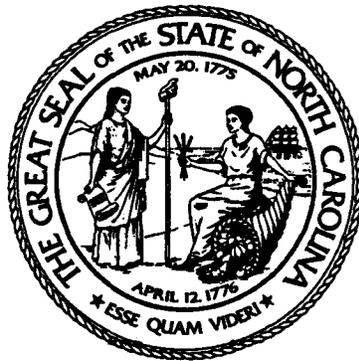
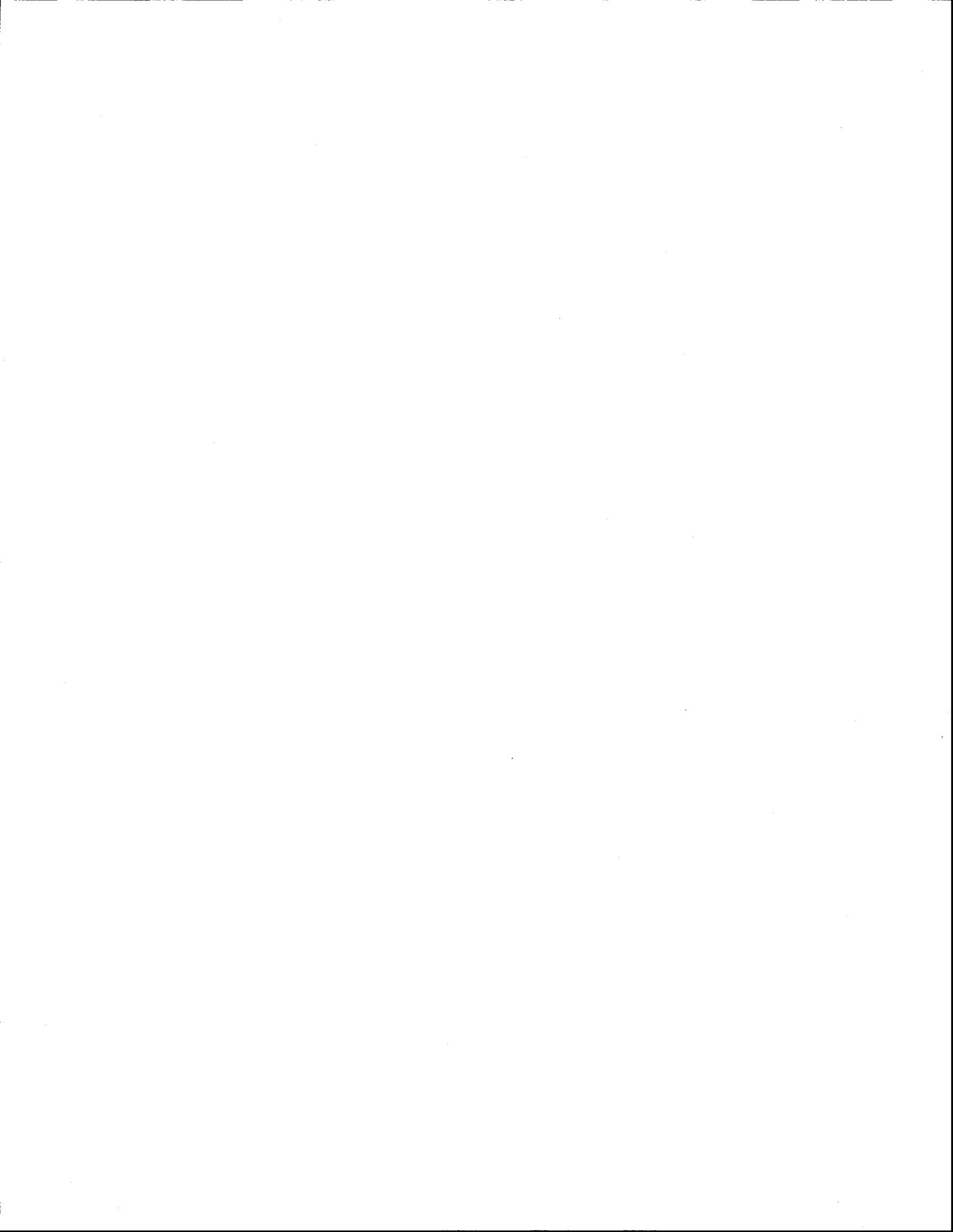


**LEGISLATIVE COMMITTEE ON  
NEW LICENSING BOARDS**



**1996 INTERIM REPORT**

**APRIL 18, 1996**



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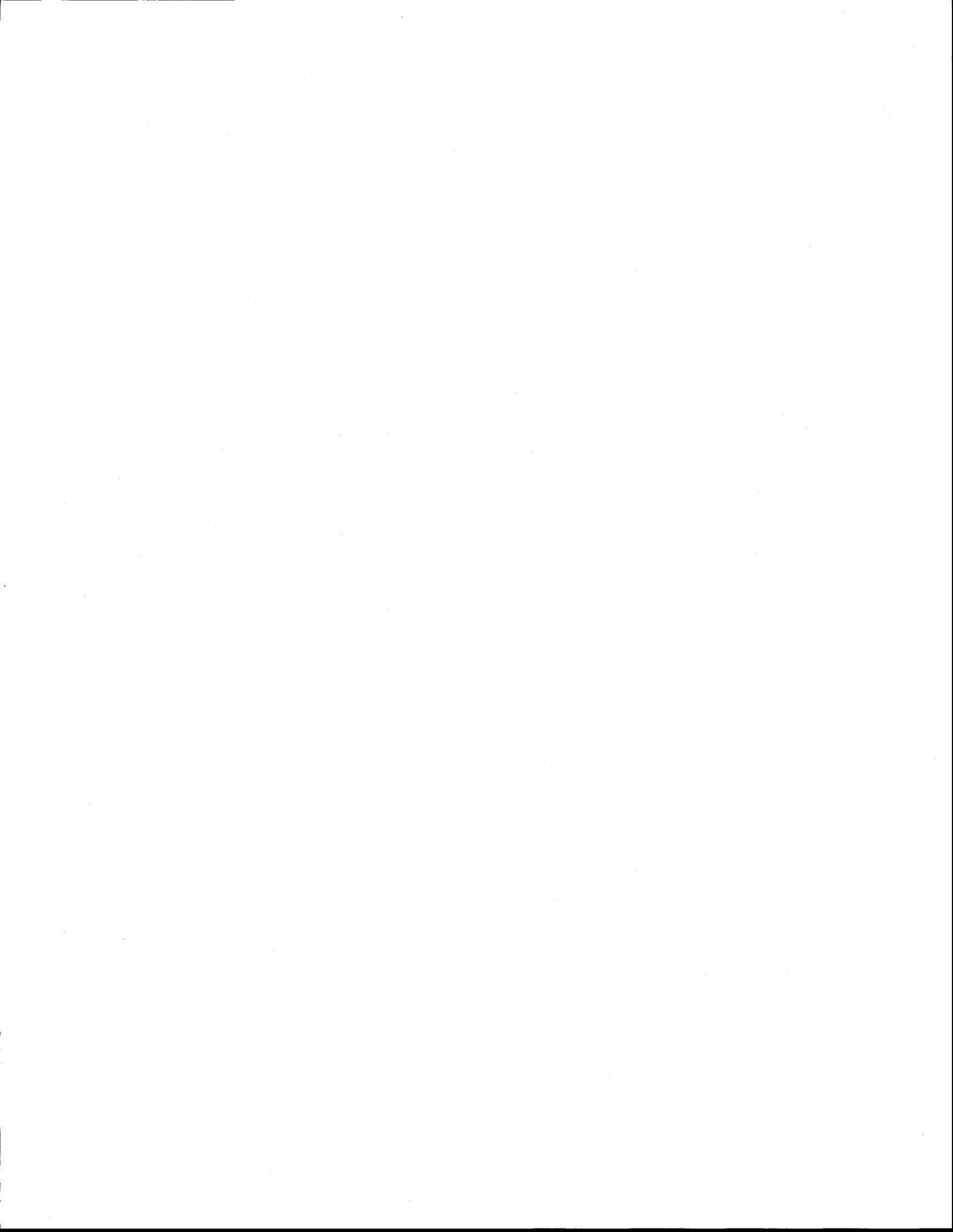
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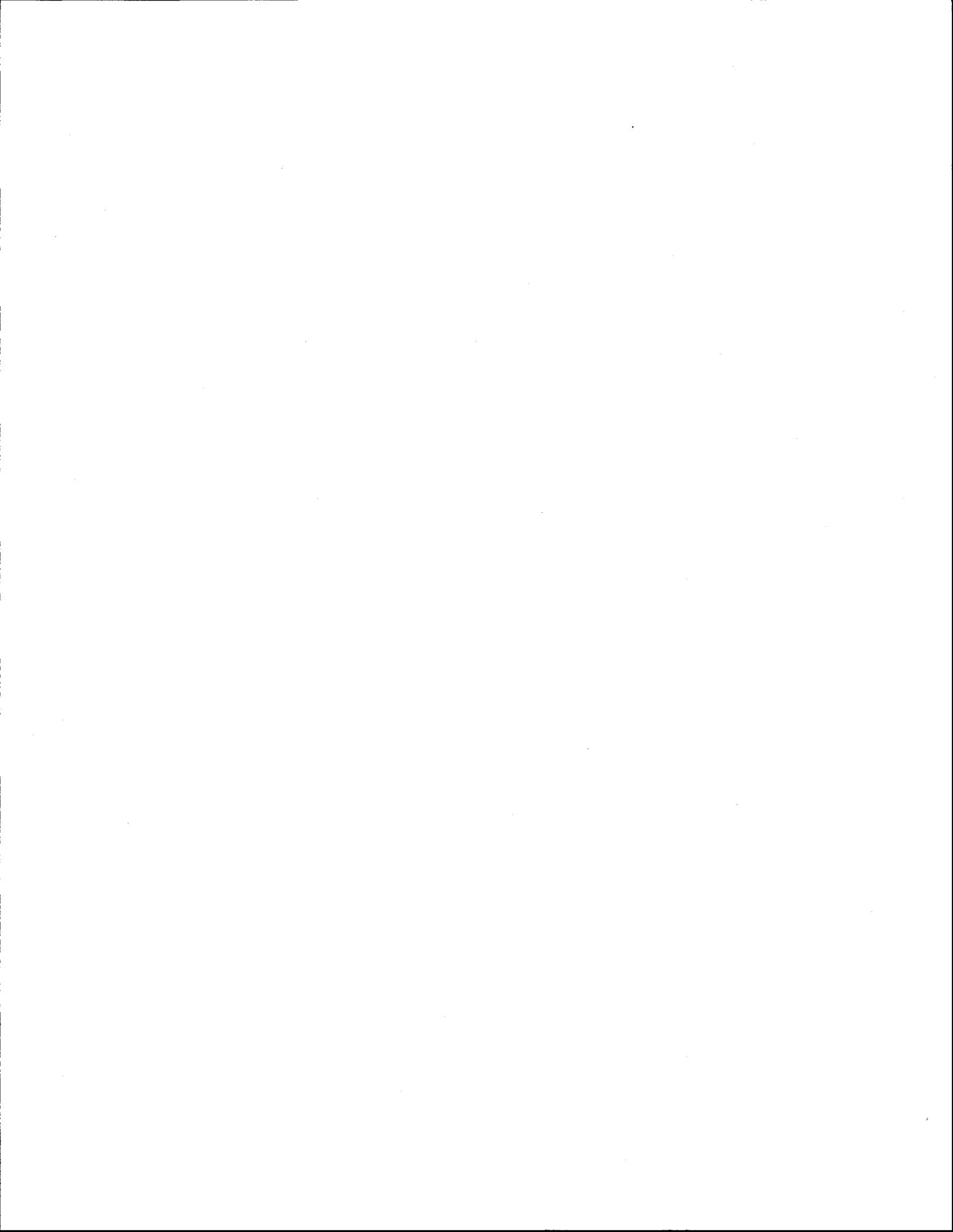


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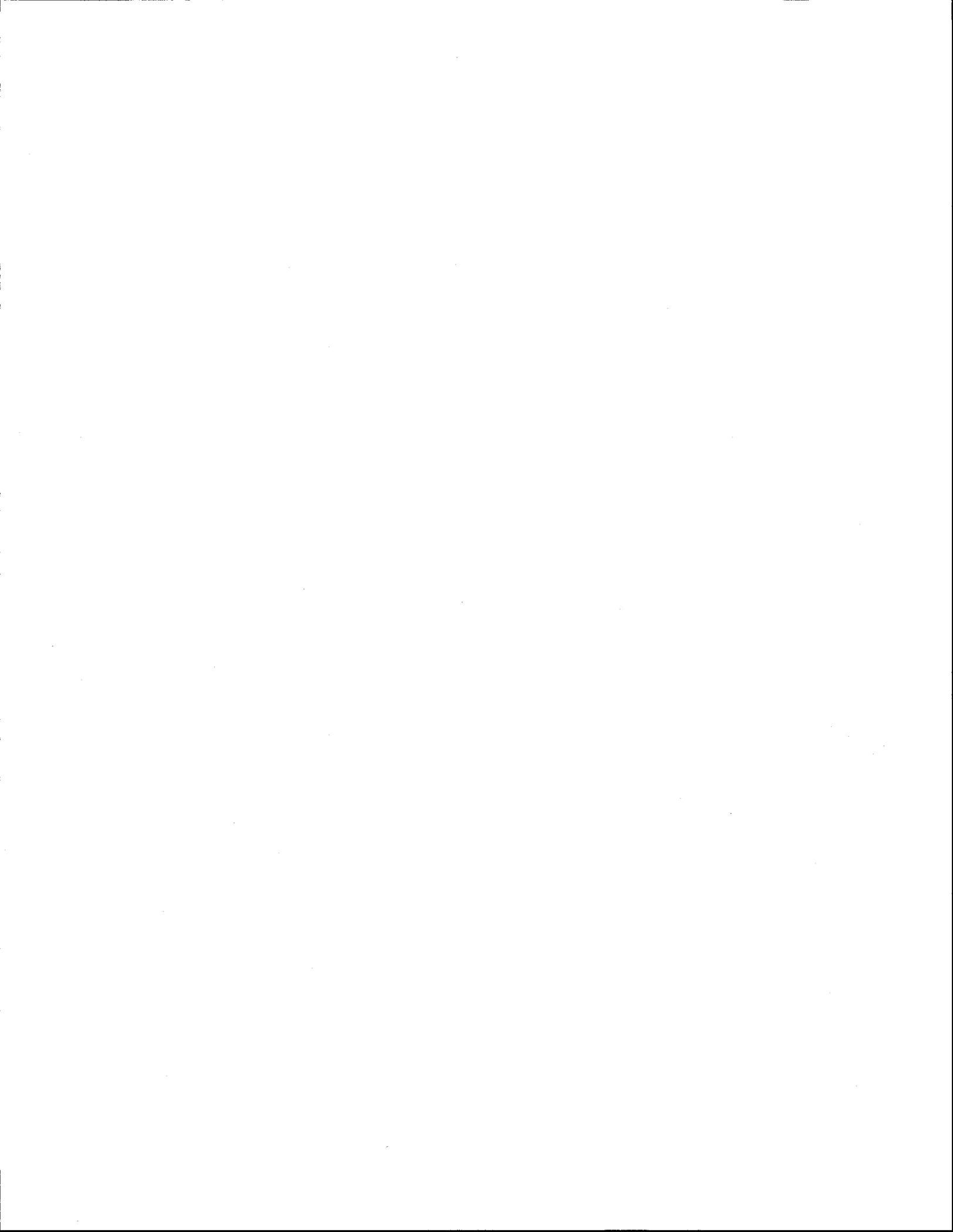
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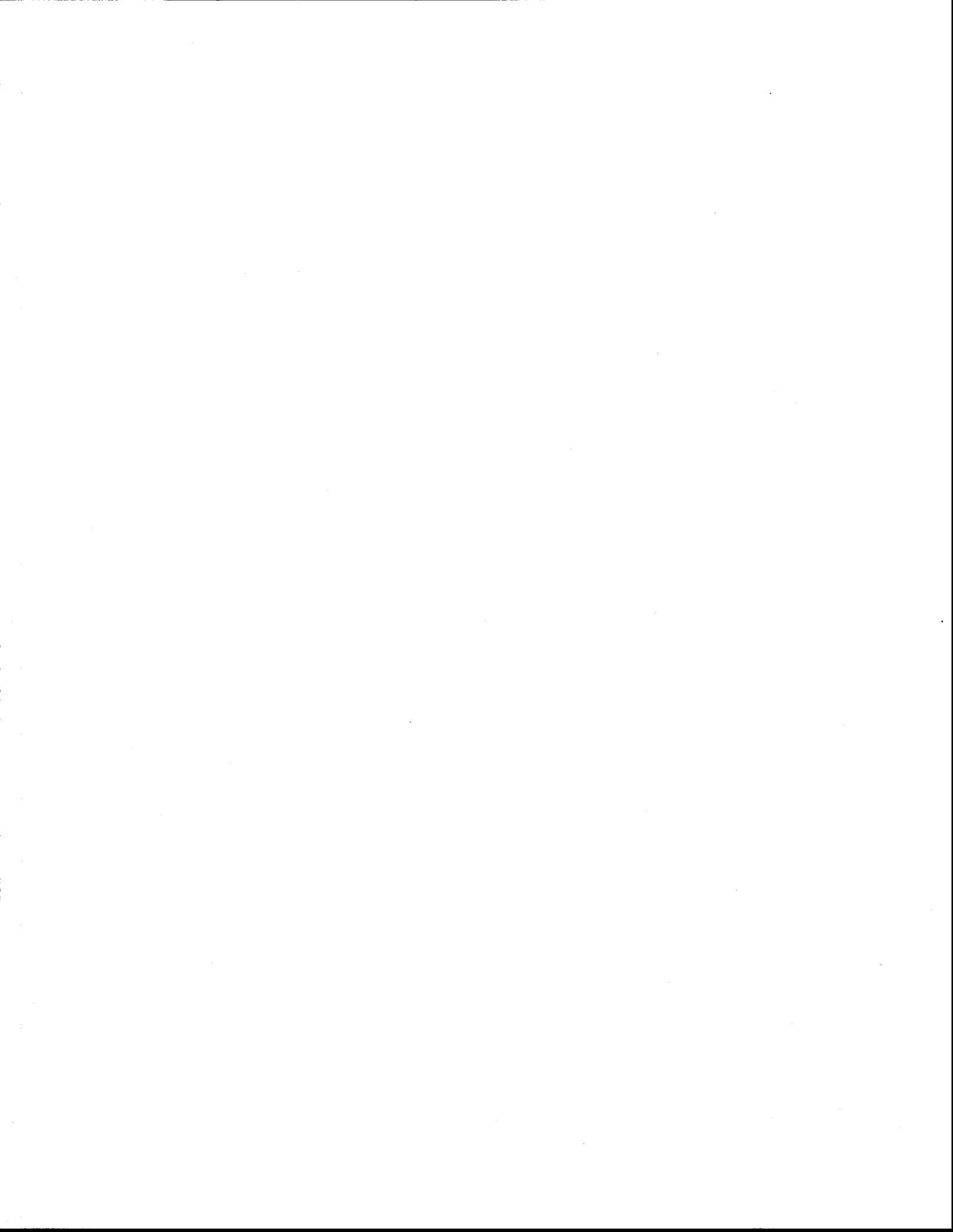
**TO THE LEGISLATIVE RESEARCH COMMISSION**

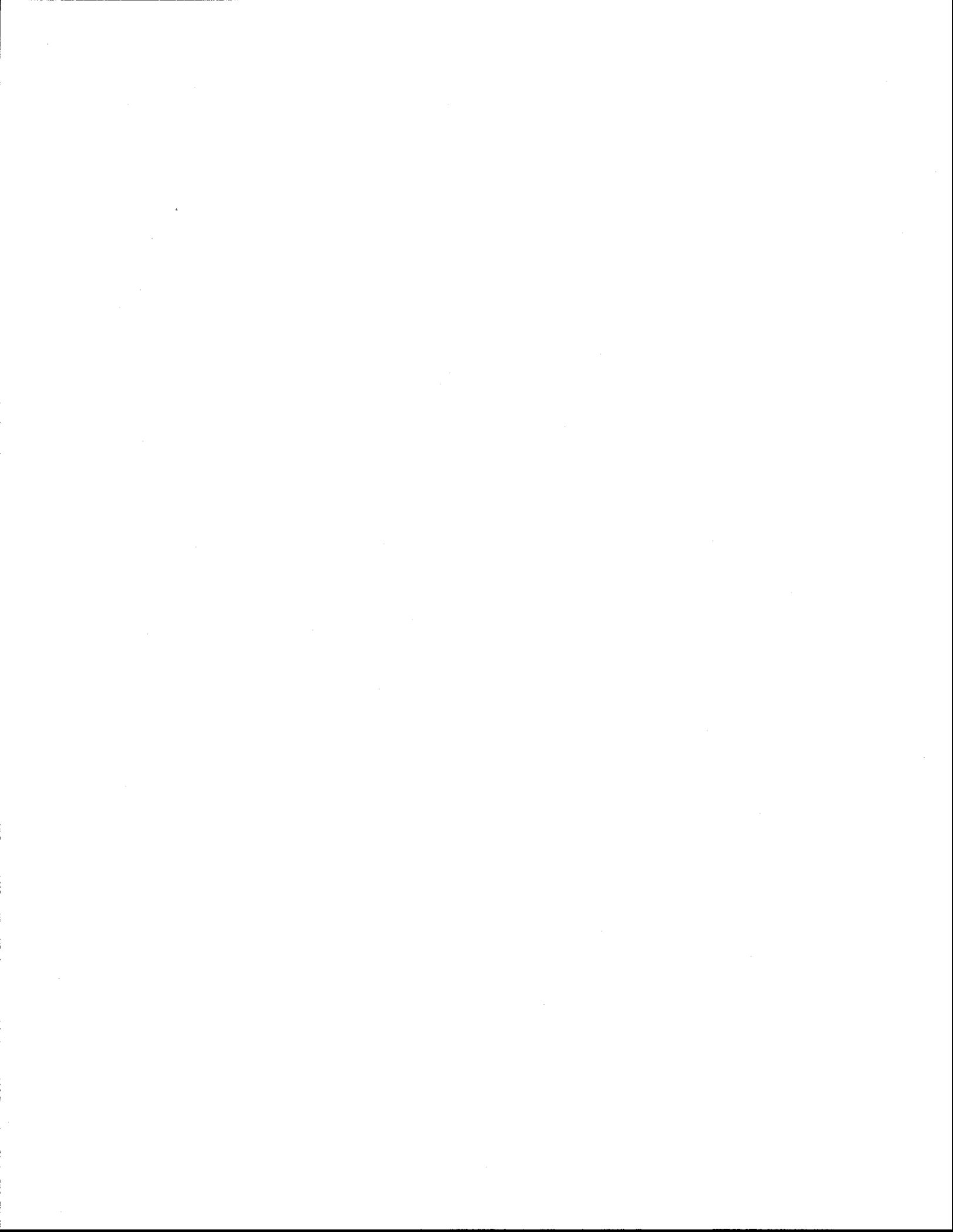
The Legislative Committee on New Licensing Boards is pleased to submit to you its report on issues assigned by the Legislative Research Commission for study: fire alarm installers, masters-psychologists, foresters, and qualified environmental professionals. With the exception of the proposal to license fire alarm installers, which was withdrawn from further consideration, the Committee has issued assessment reports on these proposals. The assessment reports are contained in this report.

**Senator David Parnell, Chairman  
Legislative Committee on New Licensing Boards**









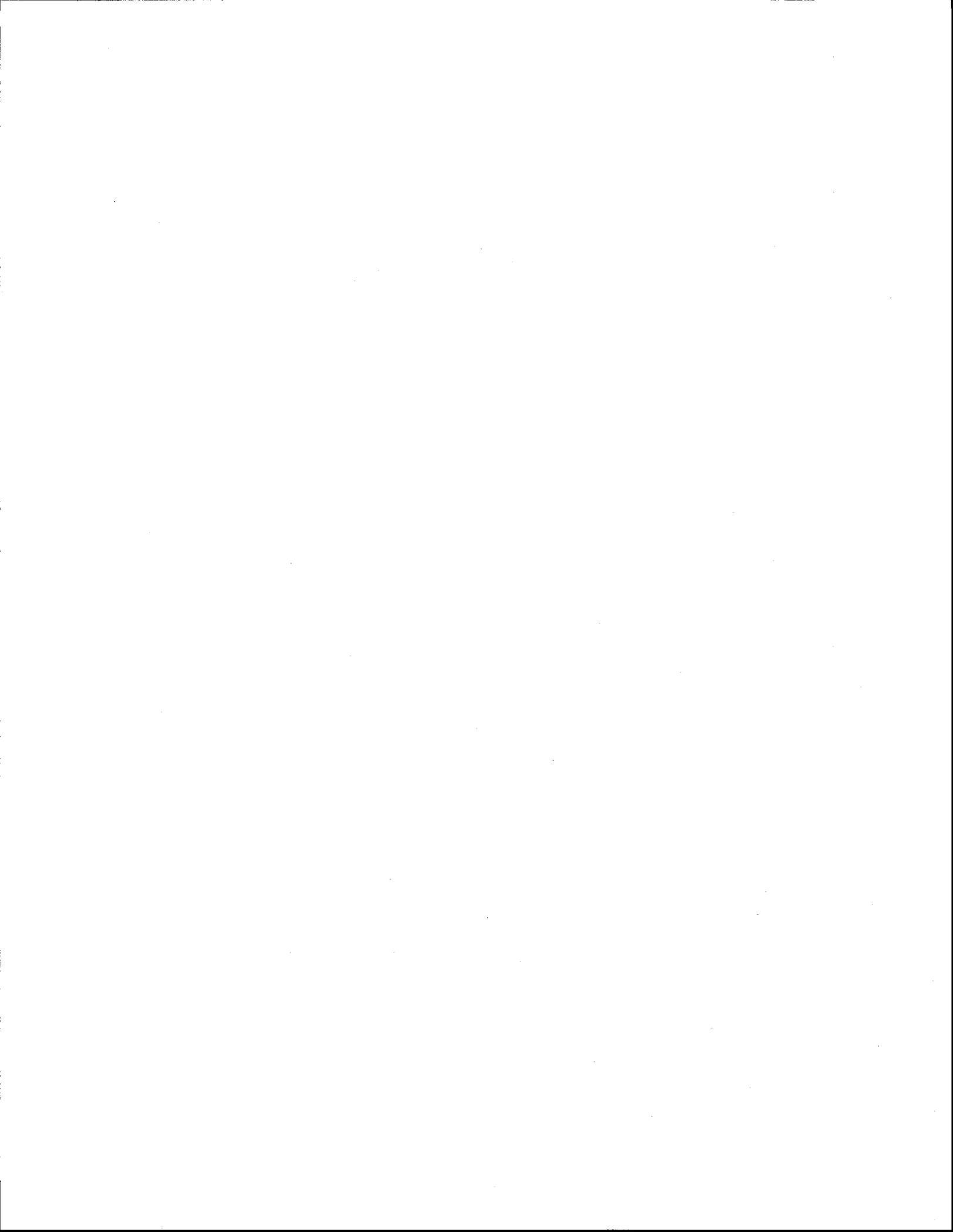
# OVERVIEW

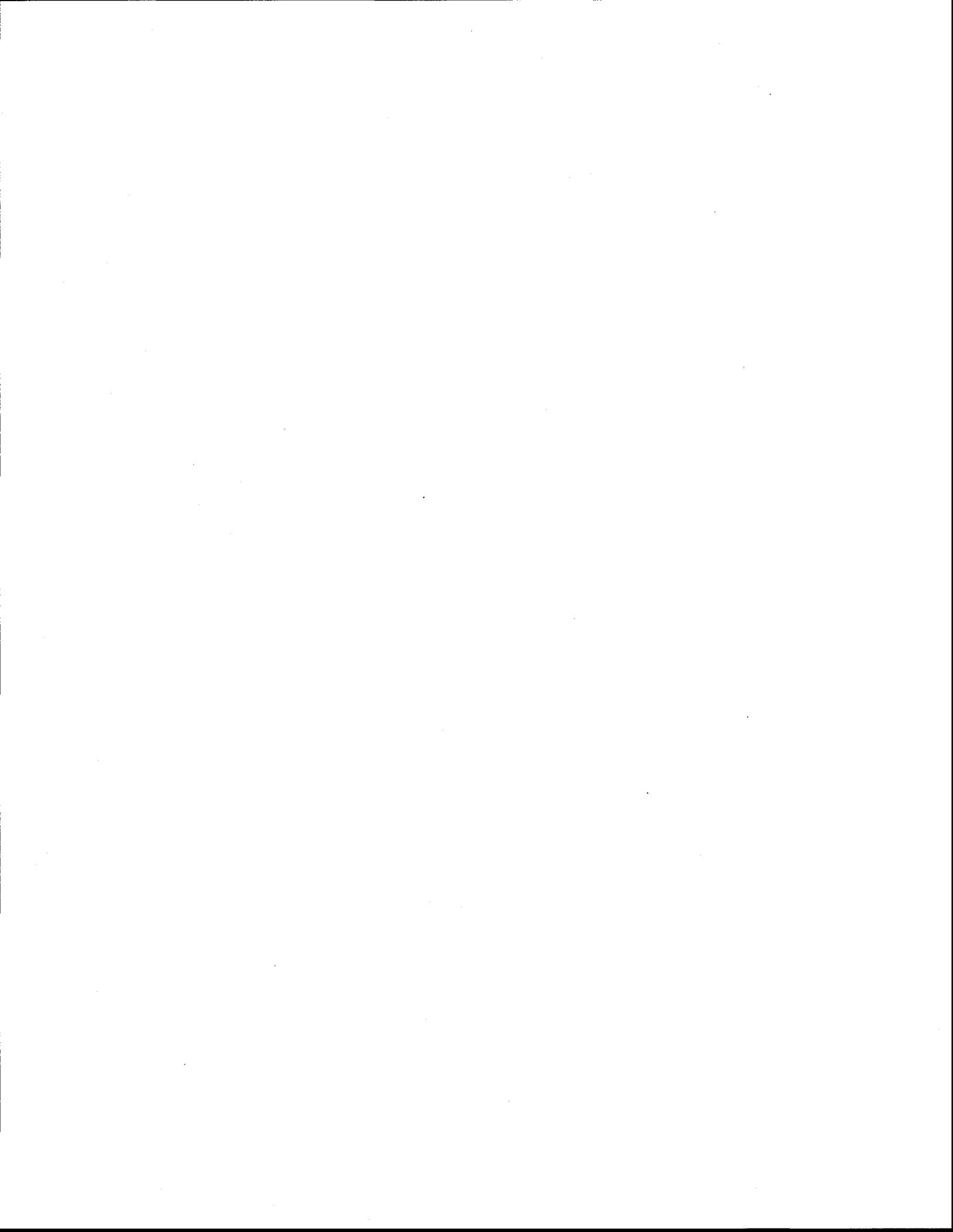
The Legislative Committee on New Licensing Boards is a statutorily-created joint committee that considers proposals to create new licensing boards and similar proposals imposing licensure on persons previously unregulated. The Committee typically meets during the session and considers proposals in the form of pending legislation. The legislation, after being introduced, can proceed no further without an assessment report from the Committee. The Committee is also authorized to review proposals during the interim and to issue assessment reports on those proposals.

The 1995 Study bill (HB 898, Chapter 542) authorized the Legislative Research Commission to study the following occupational licensing proposals: fire alarm installers, qualified environmental professionals, forester licensing, and psychologist-masters. The LRC authorized the Committee to report to either the 1996 short session, the 1997 session, or both.

The Committee met twice during the interim to consider the four proposals referred to it by the LRC. After receiving initial consideration, the proposal to license fire alarm installers was withdrawn by the sponsor. The Committee voted unfavorably on the proposal to allow qualified environmental professionals to be certified to perform certain activities that are considered to constitute the practice of engineering or geology. The Committee voted favorably on the proposal to license persons using the title "forester" and the proposal to allow psychologists with masters-level degrees to practice independently after a required supervision period.

The Committee does not intend to meet during the interim between the short session and the 1997 session.







# COMMITTEE PROCEEDINGS

February 18, 1996

The Committee opened its first meeting with comments from the chair, Senator David Parnell, and the committee counsel, Mr. Linwood Jones. Senator Parnell noted that the Committee would be functioning during the legislative interim in both its traditional role as a screening committee for licensing proposals and as a study committee. Mr. Jones reviewed the four proposals before the Committee and the procedures that would be used in hearing and evaluating these proposals. The Committee began its discussion of the four issues before it: qualified environmental professionals, masters-psychologists, foresters, and fire alarm installers. Two of these proposals were contained in pending legislation: qualified environmental professionals (HB 880) and psychologist-masters (HB 452).

The following spoke on behalf of and in favor of House Bill 880, which would allow persons certified in recognized "environmental professional" fields to perform services and provide certain reports required for air quality, water quality, and UST programs that can now only be provided by registered professional engineers and licensed geologists. The speakers were Mr. Norman Christensen, PhD, Dean of the School of Environment for Duke University; Ms. Patty Arms of the Division of Solid and Hazardous Wastes (DEHNR); Mr. Roger Allen PE, QEP, President of Allen Consulting and Engineering; Mr. Chuck Sams, QEP, Program Manager for the Forsyth County Environmental Affairs Department; Mr. William Dyson PhD, CIH, Vice President of Health and Hygiene, Inc.; Mr. Jeff Knight, CHMM, President of Innovative Environmental Technologies, Inc; and Mr. James Husted, QEP, CHMM, President of Husted and Associates.

Dr. Christensen noted that Duke's program is very comprehensive and provides training for students certified by a number of different professional groups. According to Dr. Christensen, these students possess the proper technical expertise -- on the same level as a professional engineer or geologist -- to perform the activities for which they are trained. Mr. Sams submitted a statement in which he noted that limiting the performance of certain air and water quality and UST reviews and sign-offs to engineers and geologists would "inflate the costs of compliance." His department feels that any professional with the proper training and experience in this area should be allowed to perform these reviews and that they feel confident that the Environmental Management Commission can determine which professionals are qualified.

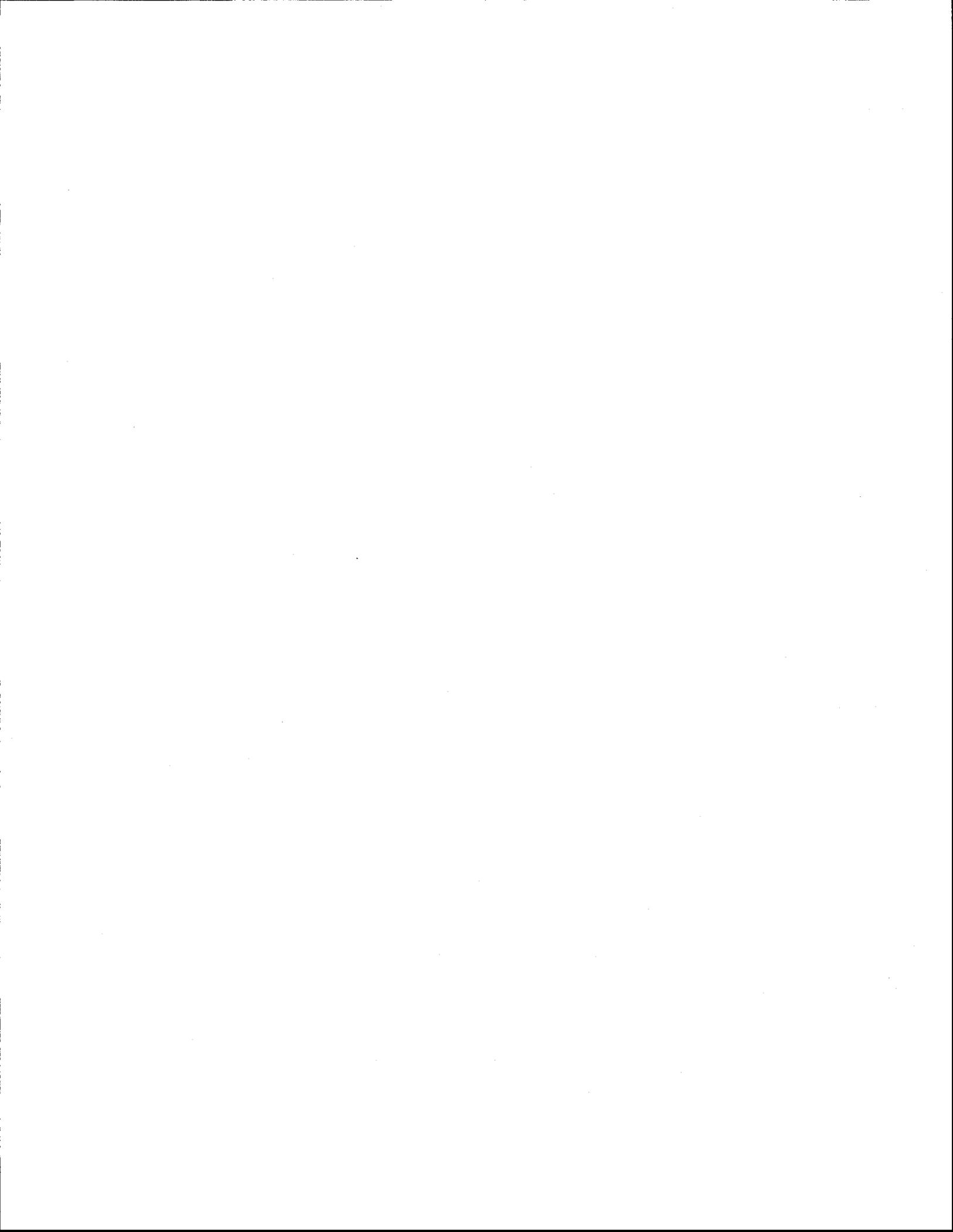


Mr. Dyson spoke on behalf of industrial hygienists, noting their historical role in air quality work and their qualifications to perform this type of work. Mr. Dyson was concerned that the ruling limiting certain reviews and sign-offs to PEs and geologists was an unnecessary restraint of trade. Mr. Allen noted that the vast majority of air quality permits issued by the Division of Environmental Management each year are simple and that only the emissions calculations are currently required to be sealed -- something that environmental professionals have done in the past and are competent to do. He also noted that DEM has the option of denying a permit if it has a problem. Mr. Allen questioned why a manufacturer should spend several thousand dollars to get a PE seal its permit when the PE lacks the appropriate broad-based experience in biology, zoology, and other disciplines that are needed for the types of reviews in question.

Ms. Arms submitted a letter from Michael Kelly, Deputy Director of the Division of Solid Waste Management, supporting House Bill 880. Mr. Husted added further comments in support of the bill and has, among with others, provided the answers to the questionnaire used by the Committee to solicit information on the proposals.

Several speakers were recognized to speak briefly on the issue of licensing fire alarm installers. Mr. Eddie Caldwell, legislative counsel for the NC Burglar and Fire Alarm Association, noted that there were already local movements underway to certify fire alarm installers on a jurisdiction-by-jurisdiction basis and that the proposed draft to license fire alarm installers would instead provide a single state-wide set of standards for licensing. The draft proposal would give the responsibility for licensing fire alarm installers to the existing Alarm Systems Licensing Board, which currently licenses installers of burglar alarms.

Mr. E.J. Mashburn, President of the NC Burglar and Fire Alarm Association, explained to the Committee the need for statewide licensing as proposed in the draft bill. Mr. W. Alden (Doc) Hoggard, Administrator of the NC Alarm Systems Licensing Board, pointed out some of the provisions in the proposal, noting that electrical contractors with sufficient experience could be grandfathered in. Mr. Tommy Bradshaw of the Fire Code Revision Committee, Mr. Earl Fowler of the NC Fire Marshals Association, Mr. Ricky Strickland of the NC County Fire Marshals Association, Mr. Aubrey Rivenbark of the NC State Firemen's Association, Mr. Donald Whitaker of the NC State Fire Chiefs Association, and Mr. Tim Bradley of the NC State Fire and Rescue Commission (DOI) also spoke in favor of the bill and addressed questions raised by members of the Committee. Mr. Bradshaw noted that building and fire codes were requiring the installation of more fire alarm systems, but there are no general licensing requirements for these installers. Mr. Fowler and others noted that false alarms are a major problem because they put firemen and fire officials who respond to these alarms at risk of injury while going to the scene. It was noted that many of the false alarms resulted from defective installations -- a problem that can



be addressed through licensing. A Raleigh firemen was killed recently in an accident while responding to a false alarm.

Mr. Bradley noted that we already license burglar alarm installers, but that fire posed a greater threat, with more severe consequences, than burglary. According to Mr. Bradley, 32 other states now license fire alarm installers. Mr. Bradley noted that the proposal to license installers deals with major fire alarm systems, not home smoke detectors. He also noted that 30% of inspected fire alarm systems are found to be defective by the Code inspectors. It was noted that the Code inspectors can only inspect for so much in the system.

Mr. Jay Sawyer, a licensed electrical contractor, spoke to the Committee during the public comment period and agreed that training in electrical contracting and security systems contracting was insufficient to provide the proper training for fire alarm installation.

Mr. John Carr, an attorney representing the Carolinas Electrical Contractors, spoke in opposition to the bill, particularly the grandfather clause for the electrical contractors, but agreed to discuss it further with the proponents of the proposal to see if something could be worked out. Representative Sherrill moved that both sides get together to see if the differences could be resolved prior to the next meeting and that a new draft be brought before the Committee at that time. The motion was approved.

The Committee next considered a proposal to create a license for masters-level psychologists that would allow them to practice independently after a period of four years supervision. This proposal was pending before the legislature as HB 452 (Lemmond). Representative Lemmond noted that it costs the State and the counties over \$663,000 a year just to supervise the master-level psychologists. The supervision costs in the Willie M. program alone, according to Representative Lemmond, is over \$5,000 per year. He noted that there was little substance to the supervision since the supervising psychologist may be in another city. Representative Lemmond said that the insurance carriers really had not taken a stand on the issue. The disputes lies between the master-level psychologists and the APA (American Psychology Association) and its local affiliate. Representative Lemmond urged the Committee to support the bill.

Mr. David Smoot of the NCPA spoke in opposition to the bill. Mr. Smoot noted that the psychologists have supported the master-levels psychologists on many issues (for example, fighting a few years ago to help them keep their status with Blue Cross Blue Shield for reimbursement purposes). Mr. Smoot noted that a task force has been developed to address issues between the two sides that have arisen, including supervision issues.



In response to the issue of costs, Mr. Smoot noted that many area mental health programs require supervision of other programs and disciplines and that many of the costs associated with supervision would therefore still remain even if this bill passed. Mr. Smoot also said that contrary to what has been said, most master-level psychologists are in urban areas just like the licensed psychologists. According to Mr. Smoot, only two states in the country now recognize masters-level psychologists for independent practice.

Mr. Smoot asked that the legislature delay this proposal until 1997 in order to give the task force time to review its issues.

Mr. Henry Tonn, President of the North Carolina Association of Professional Psychologists (representing the masters-level psychologists) spoke in favor of the bill. Mr. Tonn noted that the masters level psychologists, after a period of supervision, are qualified to practice independently. He also noted that although only two states currently recognize independent practice at the masters level, many other states are considering it.

Mr. Dave Weasner, a licensed psychologist in the Triangle area, spoke against the bill and stated that the profession should be left on its own to deal with this issue. He acknowledged that there were issues concerning supervision, reimbursement, and limited training opportunities for masters-level psychologists that need to be reviewed by the profession.

Representative Sherrill noted that this issue had already been around and discussed in the legislature for over eight months and moved that the two sides work on a compromise proposal to bring back to the Committee at the next meeting to be voted on. The motion was approved.

The last issue reviewed at the meeting concerned a proposal to require persons using the title "forester" or "registered forester" to be registered by the NC Board of Registration for Foresters. (The Board already registers those who use the term "registered forester"). Representative John Weatherly spoke in favor of the proposal, along with Mr. Sam Hughes, chairman of the Registration and Licensing Committee of the NC Division of the Society of American Foresters, and Mr. Harold Blanchard, a consulting forester from Whiteville. The draft proposal was distributed to the members of the Committee.

Mr. Shaub Dunkley spoke on behalf of the NC Urban Forest Council in opposition to the bill because it would prevent the members he represents from using the title "urban forester." Mr. Dunkely indicated it was difficult to define the term "urban forester" other than as the "practice of forestry in an urban setting." He noted that urban foresters are not involved in the traditional "forestry" practice of silviculture but are instead more involved as landscape architects



and arborists. They do not hold the traditional forestry degrees -- degrees they would have to obtain under the proposed licensing bill.

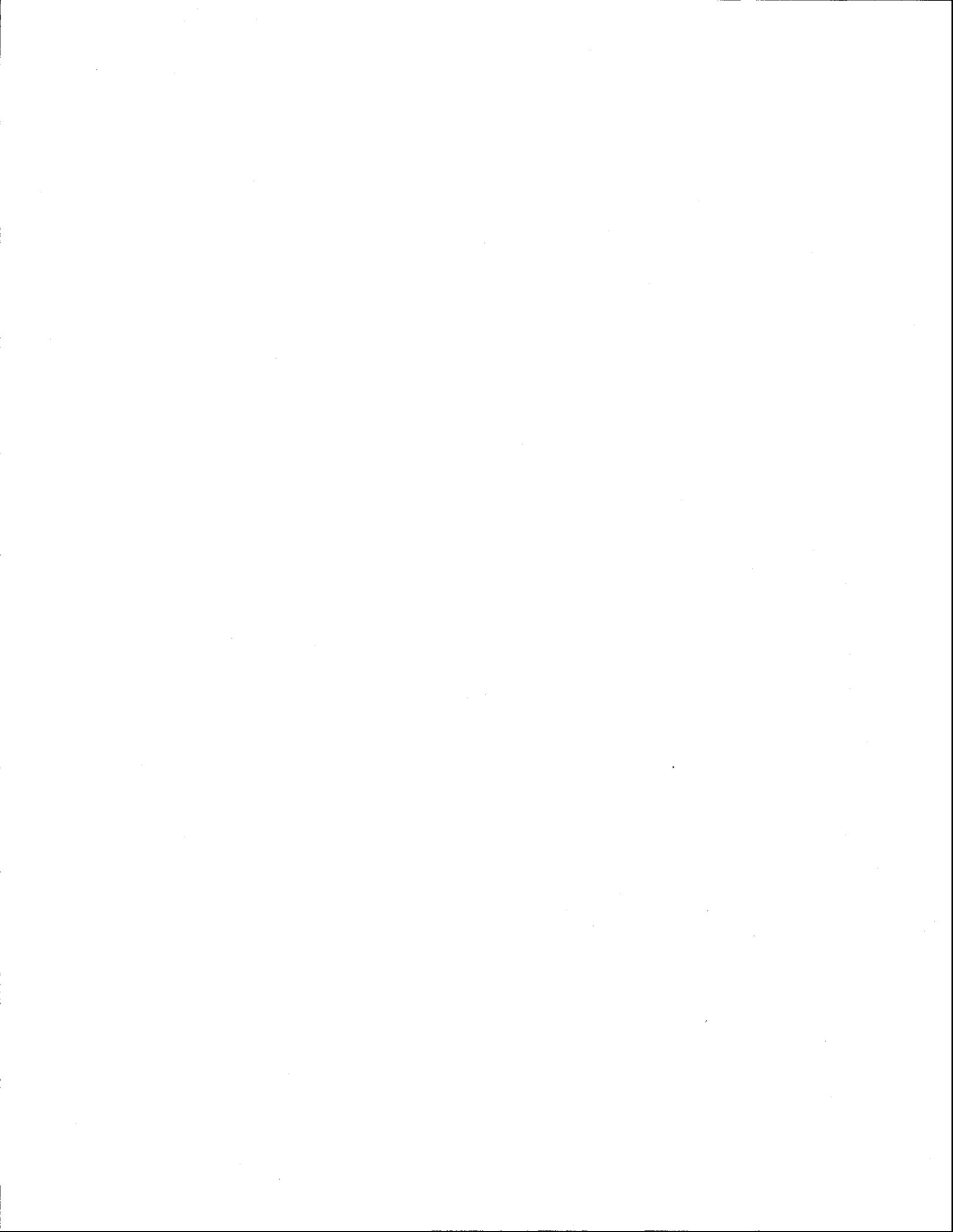
The final speaker was Mr. George Stephenson. Mr. Stephenson provided the Committee a paper he had authored concerning licensure and when it is really necessary. Mr. Stephenson's paper is included in the Committee notebook that will be on file at the end of the year in the Legislative Library.

### March 22, 1996

The Committee held its second and final meeting on March 22, 1996. Mr. Linwood Jones, Committee Counsel, outlined the four issues before the Committee and noted that the Committee is in a position to vote on all of these issues. He pointed out the difference between a favorable and unfavorable vote, noting that an unfavorable vote is preliminary only; the sponsor of the bill or proposal has the opportunity to request another meeting for a final vote. Mr. Jones noted, however, that he had counseled those involved in this process that they should consider the likelihood of success before requesting that the Committee come back to Raleigh for another meeting.

Mr. Eddie Caldwell, legislative counsel for the Burglar and Fire Alarm Association, commented on the proposal pending before the Committee to license fire alarm installers. Mr. Caldwell requested that the Committee take no further action on the proposal. The parties have been attempting to resolve the difference between the fire alarm installers and the electrical contractors, but to no avail. The parties would like to continue trying to reach an agreement that they can bring back to the 1997 session. Senator Parnell acknowledged the request that no further action be taken on the proposal.

Representative John Weatherly, sponsor of the forestry registration bill, spoke on the proposed draft prepared by Mr. Jones with the assistance of Mr. Hughes, Mr. Blanchard, and representatives of the Urban Forest Council. Representative Weatherly noted that there is already a forester board in existence and this bill would strengthen the requirements for registration. Mr. Jones, in response to a question from Senator Smith, noted that the primary emphasis of the bill is to begin regulating those who call themselves "foresters." The current law already regulates those who call themselves "registered foresters." Representative Weatherly asked for the Committee's support on the bill.



Mr. Don McSwain, a member of the board of directors of the Urban Forest Council, spoke in support of the bill, noting that the urban foresters would be grandfathered in under the bill.

A motion was made to give the bill a favorable assessment report. The motion passed unanimously.

Senator Parnell recognized Representative Steve Wood for opening remarks on the issue of environmental professionals (HB 880). Representative Wood said that the recent decision by DEHNR a few years ago to no longer allow qualified environmental professionals to perform certain work on DEHNR-required permits had prompted him to introduce the bill. He asked the Committee for its support of the bill.

A number of speakers spoke in opposition to the bill. The speakers were Mr. Henry Singletary, President of the American Institute of Professional Geologists, Mr. Mark Landis of the Association of Engineering Geologists; Mr. Larry Barnett, a public member of the Board of Registration for Professional Engineers and Land Surveyors; Mr. Paul Goodson, Executive Director of the Professional Engineers of North Carolina; Mr. C. Edward Scott, III, Vice President of Environmental Affairs for RJR Tobacco Company; and Mr. Hardee with the Consulting Engineers of North Carolina.

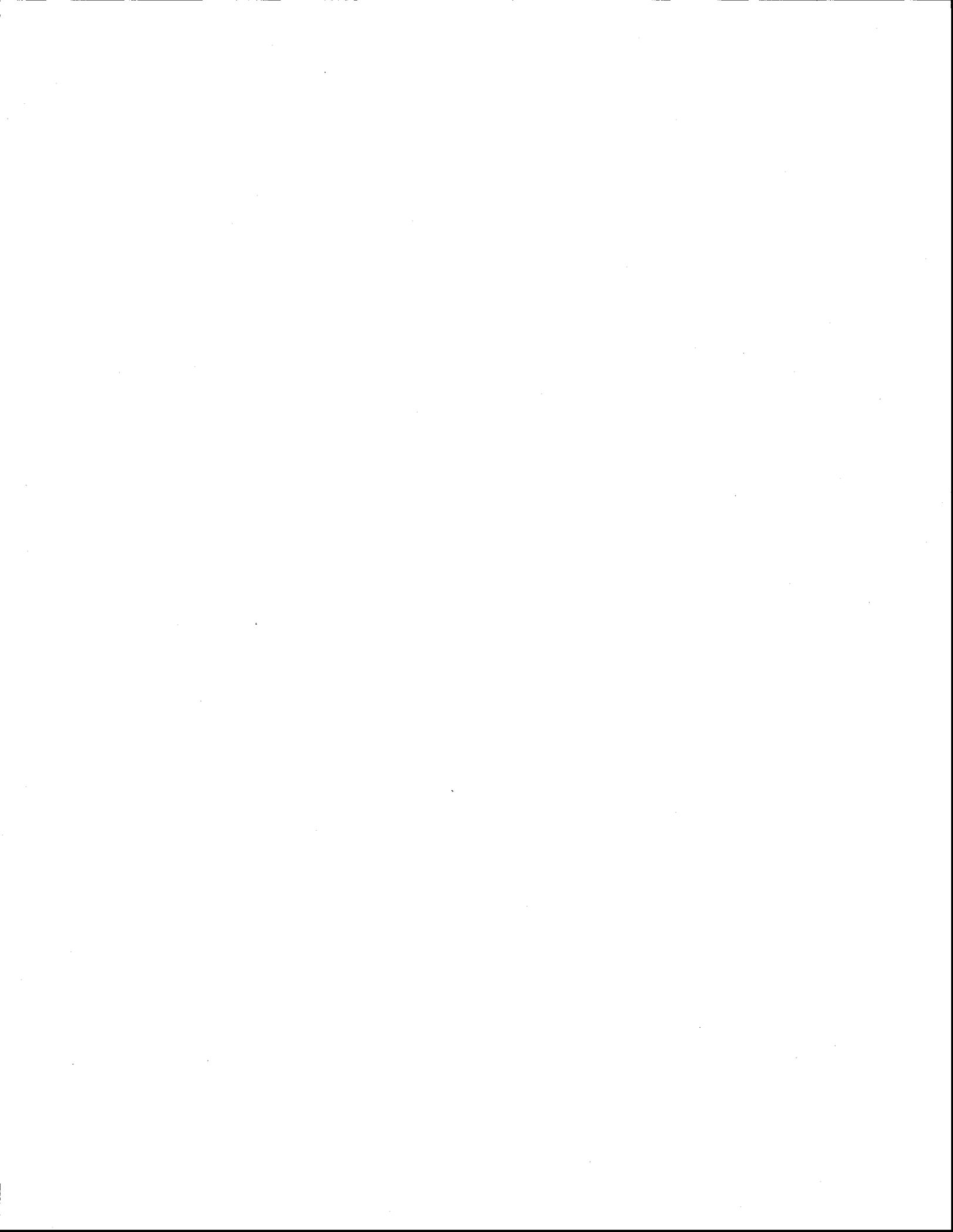
Representative Decker asked Mr. Goodson about efforts to streamline and speed up the environmental permitting and regulatory process. Mr. Goodson noted that many of their engineers were actively involved with trying to address these types of issues.

Senator Parnell opened the meeting to public comments. Mr. Charles Welby, a licensed geologist, noted his concerns about the EMC becoming a licensing board under HB 880, thereby distracting its time and effort from its other duties. He also noted that the Geologist Licensing Board could take away a license from a geologist who was incompetent.

Mr. Bob Harrick, a consulting engineer and industrial hygienist, noted that environmental regulation is far more complex today than it was 20 to 30 years ago and that the environmental field is larger than just engineers. It encompasses many disciplines, including the environmental professionals.

Ms. Ann Borden, a licensed geologist, spoke in opposition to the bill.

Mr. Bob Ragland of the Forsyth County Health Department spoke in favor of the bill. He noted that an engineer's seal had not been required for over 25 years for air quality permits. According to Mr. Ragland, the problem arose when the air quality personnel at DEHNR, upon observing that the water quality section required engineer's seals, asked the Board of Registration for Professional



Engineers and Land Surveyors in 1993 whether the air quality work or portions thereof constituted the practice of engineering and should therefore be sealed. The Board ruled that it was engineering. Mr. Ragland said that there had been no problems with the environmental professionals' work during the many years they had done it. He noted that the industrial hygienists were experts in the air quality field. He also believed it was wrong to put these environmental professionals out of business when there is, in his opinion, no special engineering knowledge required to do what they were doing.

Mr. DeWitt Witton, CHMM, stated that the requirement of a PE seal inflated the costs to the businesses that must obtain these environmental permits. He noted that the State sets the guidelines for air quality, water quality, and underground storage tanks and that if an environmental professional did not adhere to these guidelines, the business' permit would be rejected.

Mr. Larry Runyan, director of manufacturing services with the American Furniture Manufacturing Association, spoke in favor of the bill.

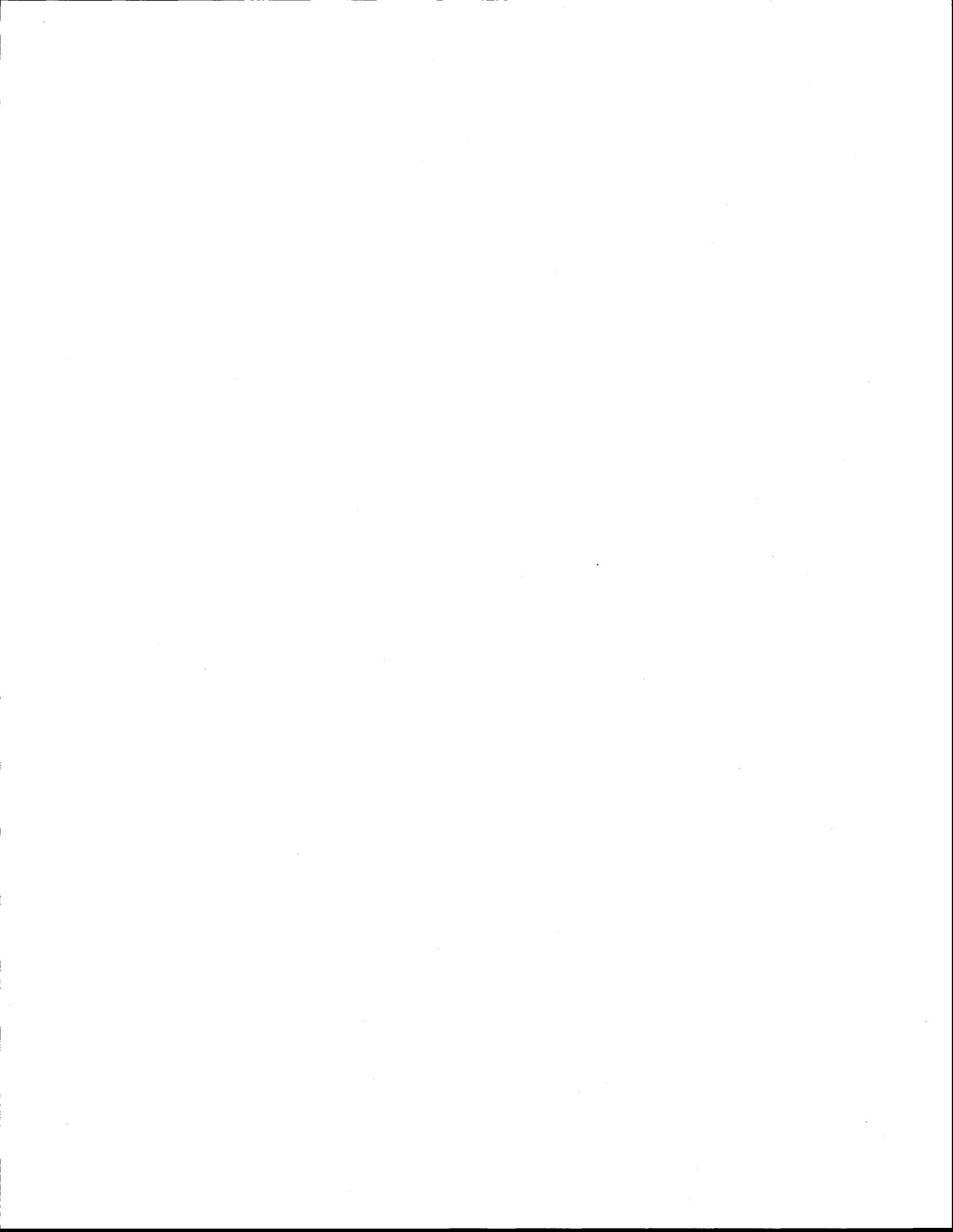
Senator Hobbs, in response to comments made to the Committee by a previous speaker, noted that professional engineers could not just "rubber stamp" work -- they were required to take responsibility for it. Mr. Don Carter, PE, noted that a PE's seal was not required for a Title V permit (emissions) that applies to approximately 550 manufacturing facilities in North Carolina.

Mr. Robert Teitler spoke in favor of the bill, noting that he represented the organization that certifies hazardous materials managers (CHMM), approximately 125 of whom are in North Carolina (7,000 nationally). Mr. Teitler noted that the State of North Carolina has itself pushed for its environmental employees involved in this area to obtain their CHMM certification.

Mr. Tom Warner, PE and CHMM, spoke in favor of clarifying the language in the bill to more specifically define the differences between engineering and non-engineering functions.

Senator Hobbs moved for an unfavorable assessment report. The motion passed unanimously, with Senator Smith having recused himself from the vote. Senator Parnell noted that this would stand as a preliminary unfavorable assessment report until either the sponsor waived his right to a second meeting or action was taken at a second meeting on a final report. Mr. Jones noted that the unfavorable preliminary report becomes an unfavorable final report if the sponsor waives the right to a second meeting.

Senator Parnell asked for comments on the only remaining bill - the masters-level psychologists -- and asked whether anything had been worked out between the parties on this bill, as requested at the previous meeting of the Committee.

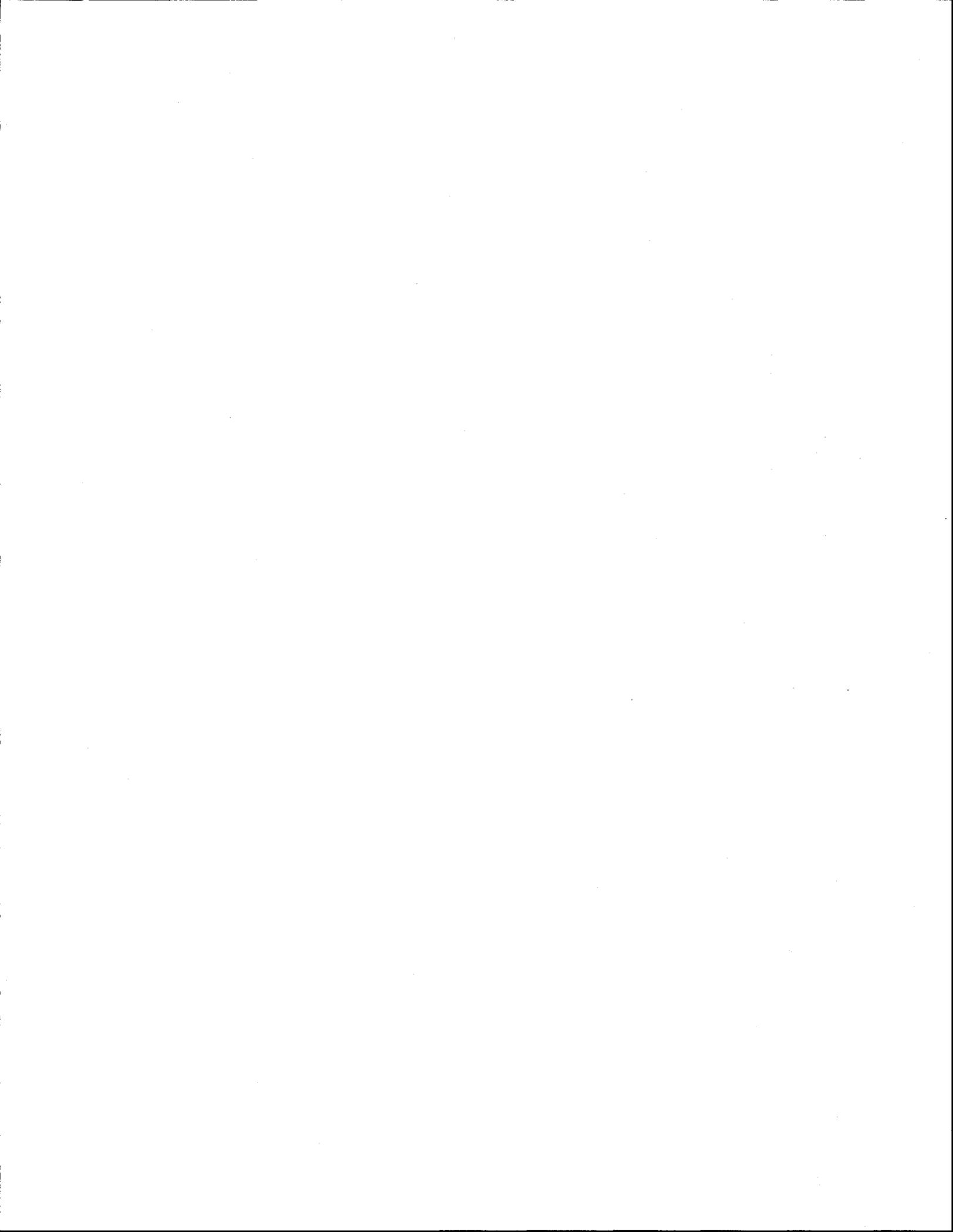


Dave Weasner, a psychologist and chairman of the NCPA legislative committee, noted that the two sides had met but were unable to come up with a compromise. Mr. Weasner repeated his earlier objections. He also said that he thought concerns about third party reimbursement were in part driving this legislation under the assumption that managed care companies would recognize independent practitioners for reimbursement. He noted, however, that managed care companies often require a provider to have the highest degree in the provider's field in order to be reimbursed directly; because the masters-level psychologists would still not hold a PhD, he believes they would still be ineligible for direct reimbursement. Mr. Weasner noted that the NCPA wanted an additional 30 days to work on this matter.

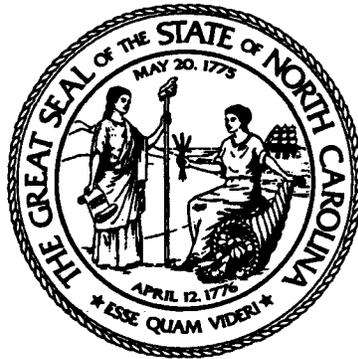
Senator Smith asked about the cost effects of the bill and expressed concern about the expansion of third party reimbursement to others.

Representative Mercer asked why it would not be appropriate to go ahead and give this bill a favorable report, which would still leave the NCPA with more than 30 days prior to session to continue working on this matter. On motion of Representative Mercer, the proposal was given a favorable assessment report.

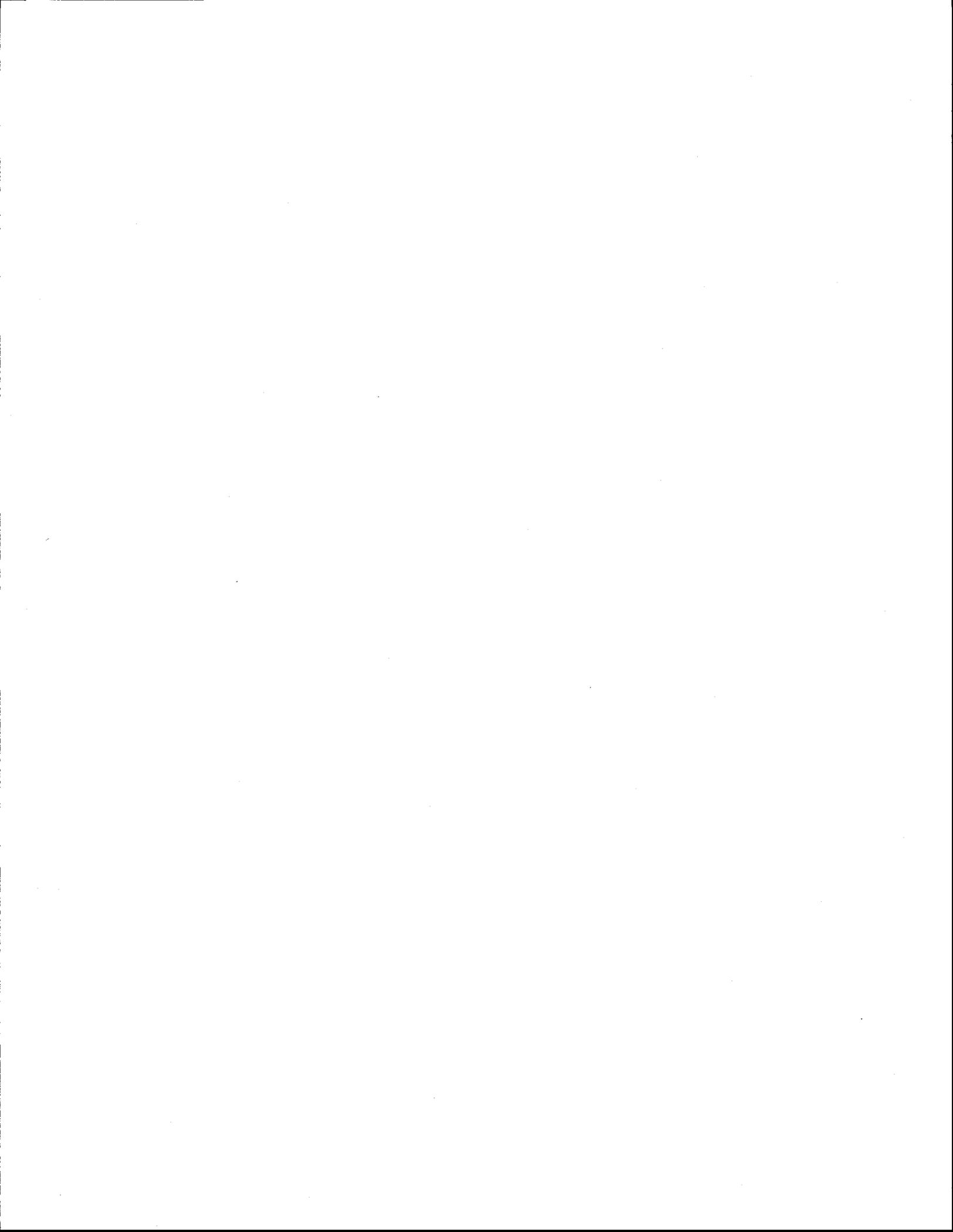
The Committee adjourned for the interim.

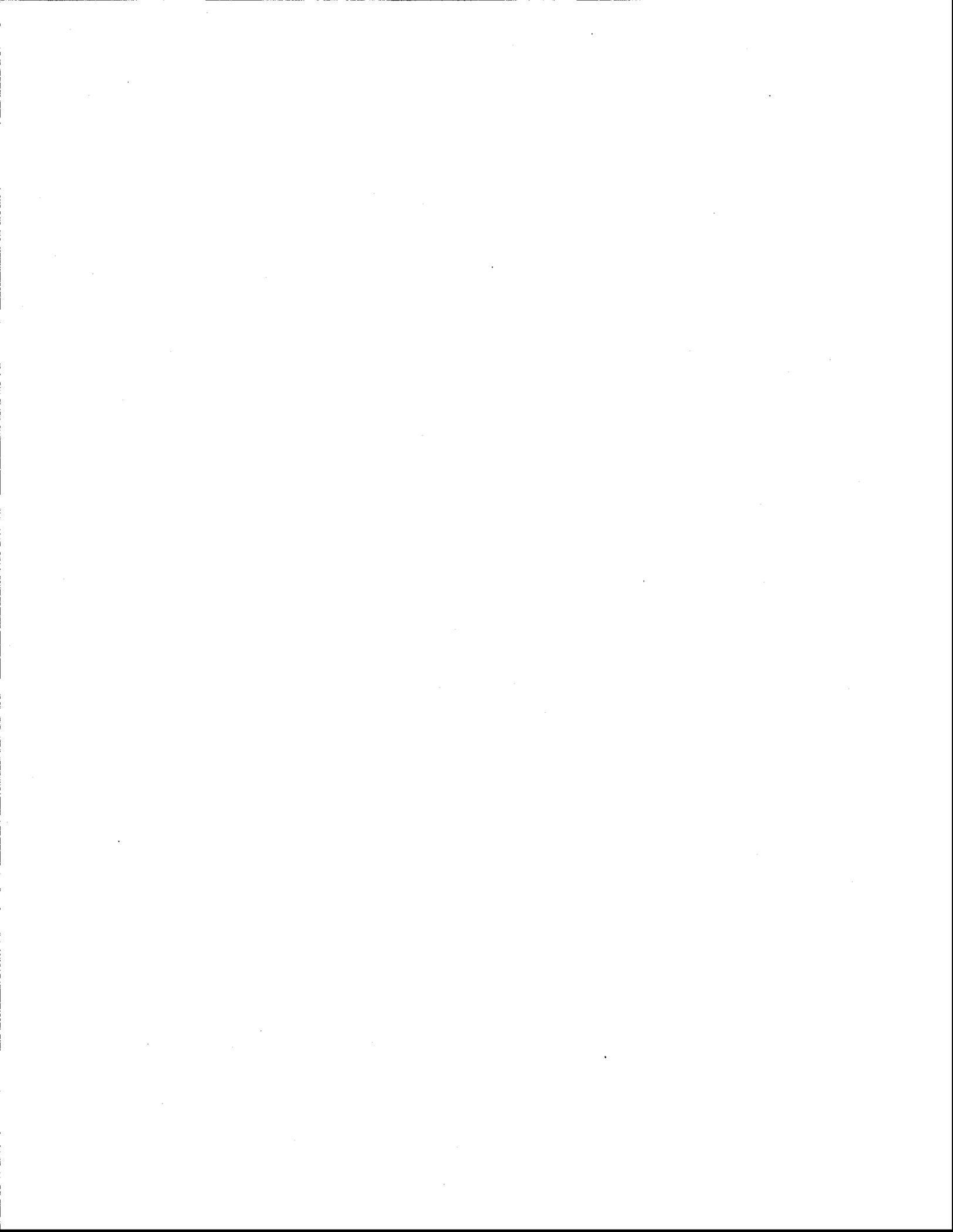


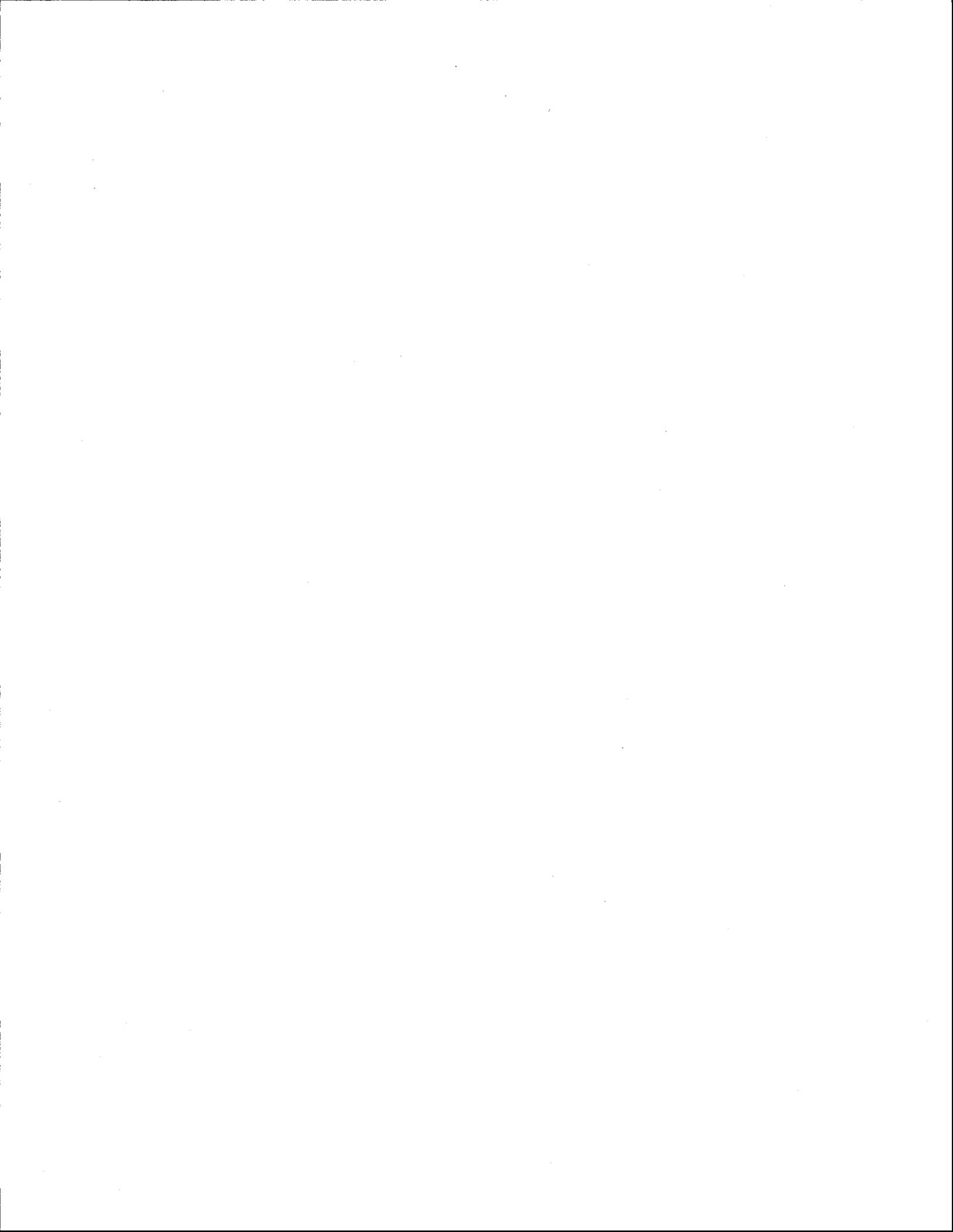
**LEGISLATIVE COMMITTEE ON  
NEW LICENSING BOARDS**



**ASSESSMENT REPORT  
FOR  
FORESTERS  
1996**









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**March 22, 1996**

**TO THE MEMBERS OF THE GENERAL ASSEMBLY**

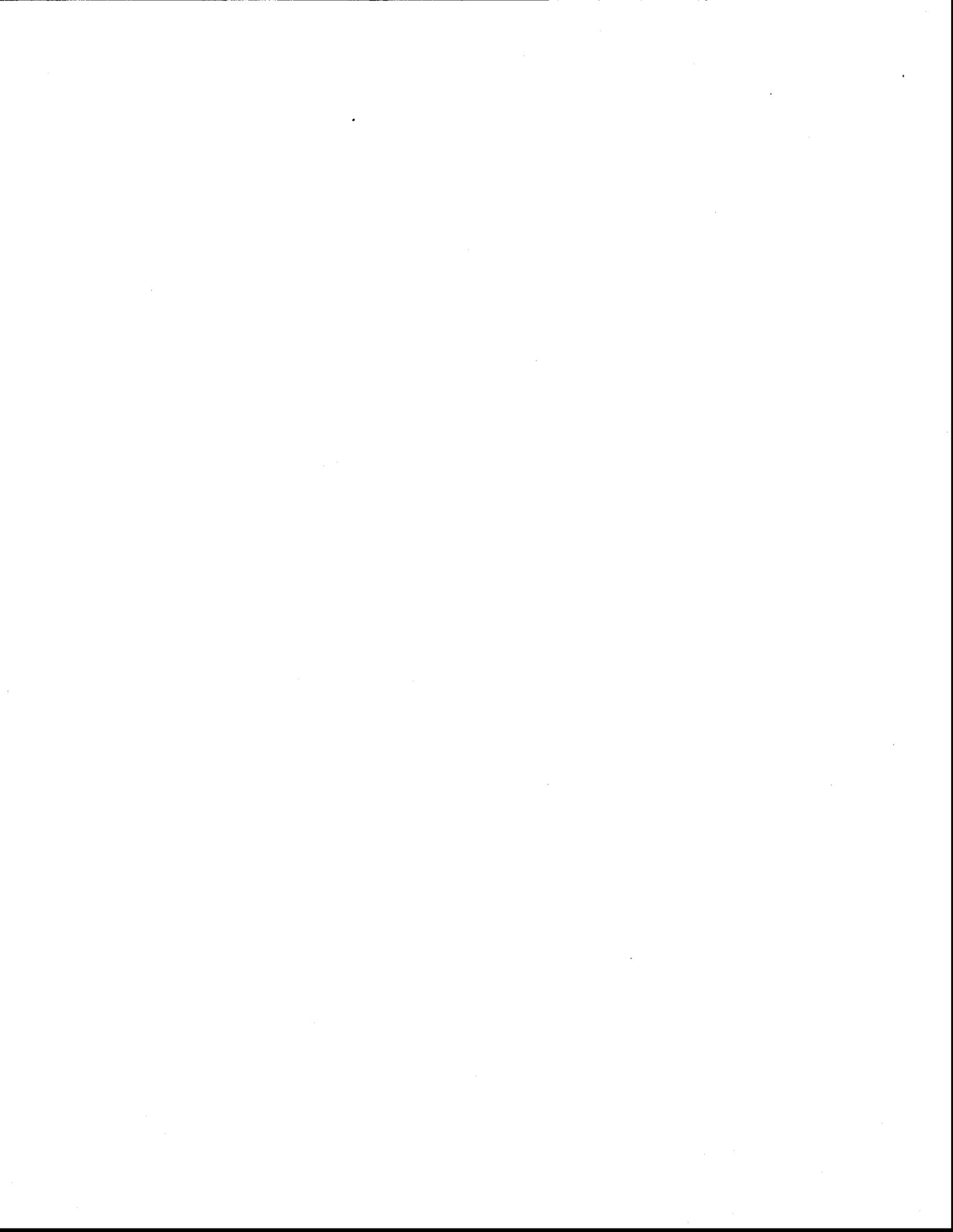
Attached for your consideration is the assessment report on the licensing of foresters. This report serves as both the preliminary and final assessment reports.

  
Senator David Parnell, Chairman  
Legislative Committee on New Licensing Boards

  
Prepared By:  
Linwood Jones, Counsel  
Legislative Committee on New Licensing Boards









## FORESTERS

The practice of forestry in North Carolina currently requires no license. However, foresters may become "registered" by the State Board of Registration for Foresters by completing the requirements for registration. By becoming registered, a forester earns the right to call himself or herself a "registered forester." It is unlawful for anyone other than a forester registered with the Board (unless otherwise exempted) to claim to be a "registered forester."

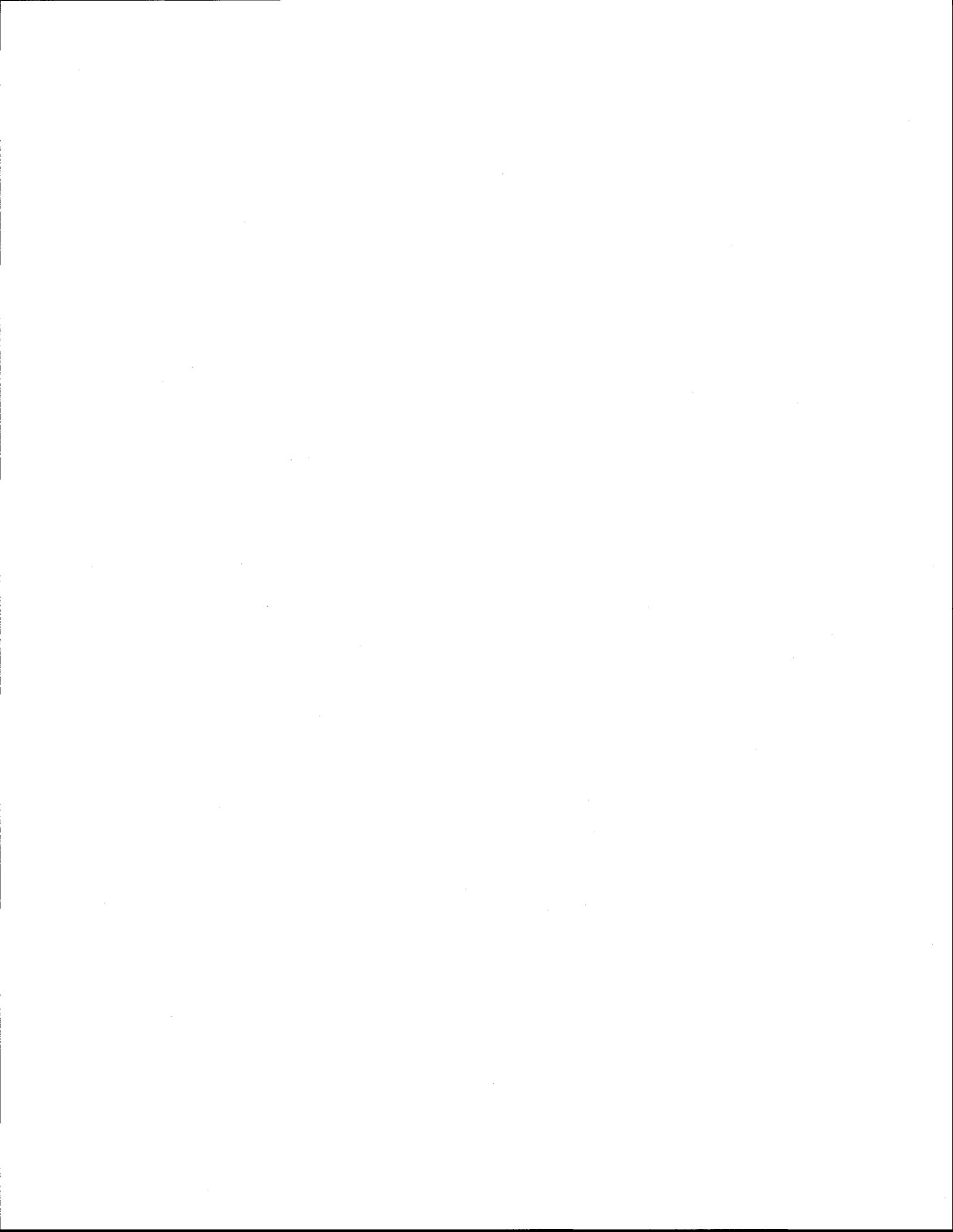
The forester registration law allows persons to distinguish themselves as having special training and skills in the practice of forestry without imposing mandatory registration or licensure on all foresters. This provides the public an opportunity to choose a forester with appropriate training and experience. However, there are concerns that the public is not fully aware of this distinction and is being misled into believing that anyone using the title "forester" is in fact qualified to engage in the practice of forestry.

The Legislative Committee on New Licensing Boards was presented with a proposal to expand the registration requirement to anyone using the title "forester" or a title that includes the term "forester." (~~Currently, only~~ those using the title "registered forester" are require to register). This proposal does not regulate the practice of forestry per se, but its prohibition on using the term "forester" would have been sufficient, in the view of the Committee's Counsel, to invoke the Committee's jurisdiction even in the absence of the referral of this issue to the Committee by the Legislative Research Commission.

The Committee met twice on this issue, hearing from Representative Weatherly (the sponsor of the proposal), representatives of the forestry industry, and representatives of the Urban Forest Council. The Urban Forest Council expressed concerns about the proposal since it would affect Council members practicing under the title "urban forester." At the direction of the Committee, Committee Counsel met with representatives of the forest industry and the Urban Forest Council on this matter. The two sides agreed to a compromise in which existing urban foresters would be grandfathered in under the proposal.

The proposal amends the existing Forester Registration Act (Chapter 89B of the General Statutes) to make the following significant changes:

(1) Everyone using the title "forester" must be registered by the Board of Registration for Foresters. A person can still engage in activities that might be considered



the practice of forestry without obtaining a forestry license as long as some other title is used (for example, an "arborist").

(2) Two types of persons would be grandfathered in under this bill: (i) those already registered by the Board and (ii) persons who have practiced urban forestry for the past 6 years and have education and experience that the Board finds to be the equivalent of that of a registered forester. An "urban forester" is a person that practices forestry activities primarily in an urban or municipal setting. A person who has been using the title "forester" and who does not qualify for grandfathering must either satisfy the registration requirements and register with the Board or stop using the title "forester."

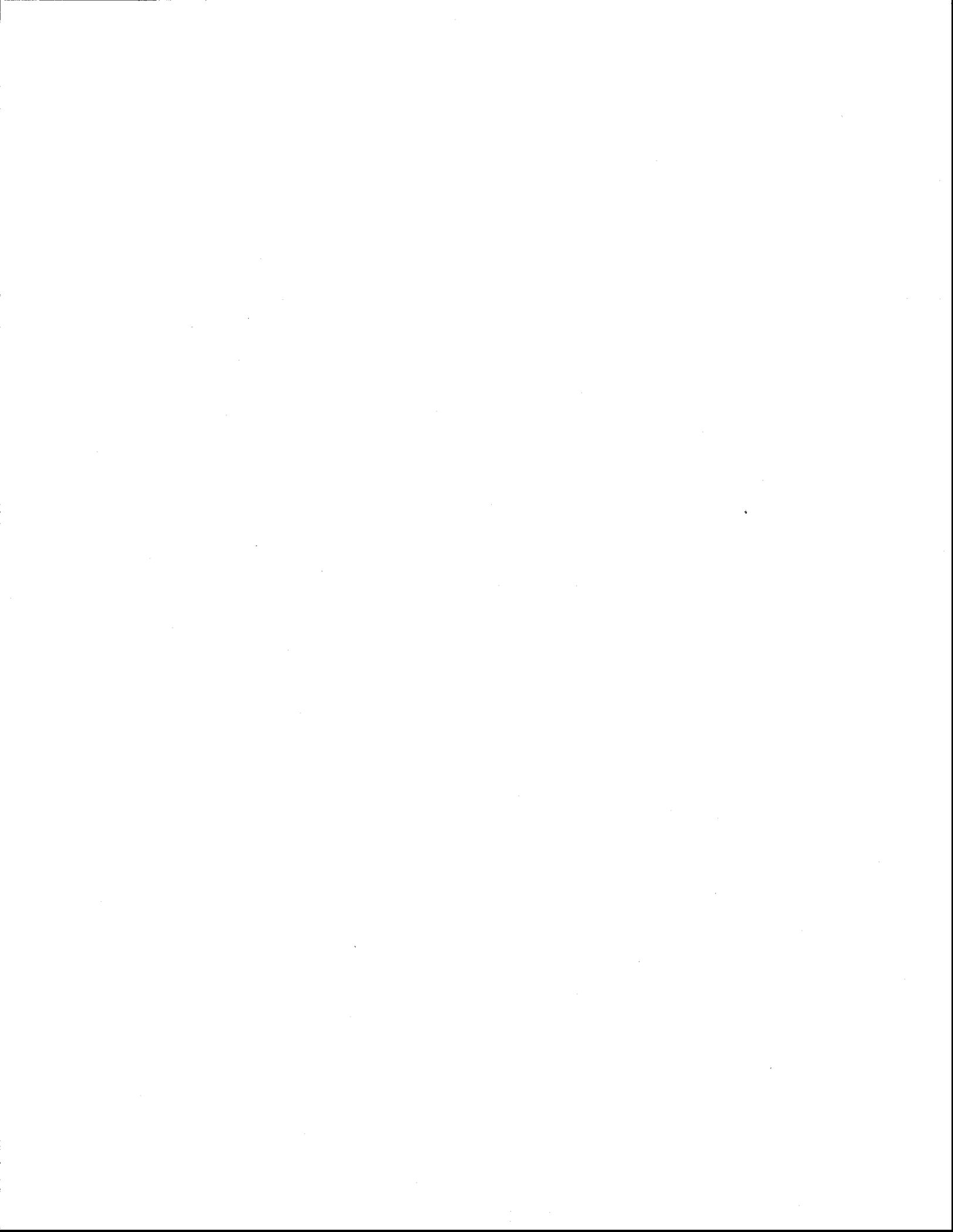
(3) Persons not grandfathered in must meet the following requirements in order to become registered: either (i) a bachelor's degree in an approved forestry curriculum, completion of a comprehensive exam, and two years experience or (ii) the completion of two exams (one initial exam and one comprehensive) and six years experience (with credit given for educational attainment).

(4) Fees are changed so that the Board can set the actual fee, subject to a maximum amount. This is consistent with the manner in which most licensing boards' fees are now handled.

(5) The Board may require 15 hours of continuing education annually.

(6) The proposal would take effect January 1, 1997. This would give the Board time to prepare for the changes and would provide time for notice to those in the industry of the change.

The Committee finds that the proposal to license those using the title "forester" meets the requirements of Article 18A of Chapter 120 of the General Statutes. The Committee recommends that the General Assembly give favorable consideration to this proposal. This report constitutes both the preliminary and final assessment reports.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

D

House 96-RN-001.4  
THIS IS A DRAFT 26-MAR-96 18:21:36

Short Title: Forester Registration

(Public)

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Sponsors:

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Referred to:

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1                                   A BILL TO BE ENTITLED  
2 AN ACT TO BE ENTITLED TO STRENGTHEN THE REGISTRATION REQUIREMENT  
3 FOR FORESTERS.

4 The General Assembly of North Carolina enacts:

5                   Section 1. Chapter 89B of the General Statutes reads as  
6 rewritten:

7

8

CHAPTER 89B.

9

Foresters.

10

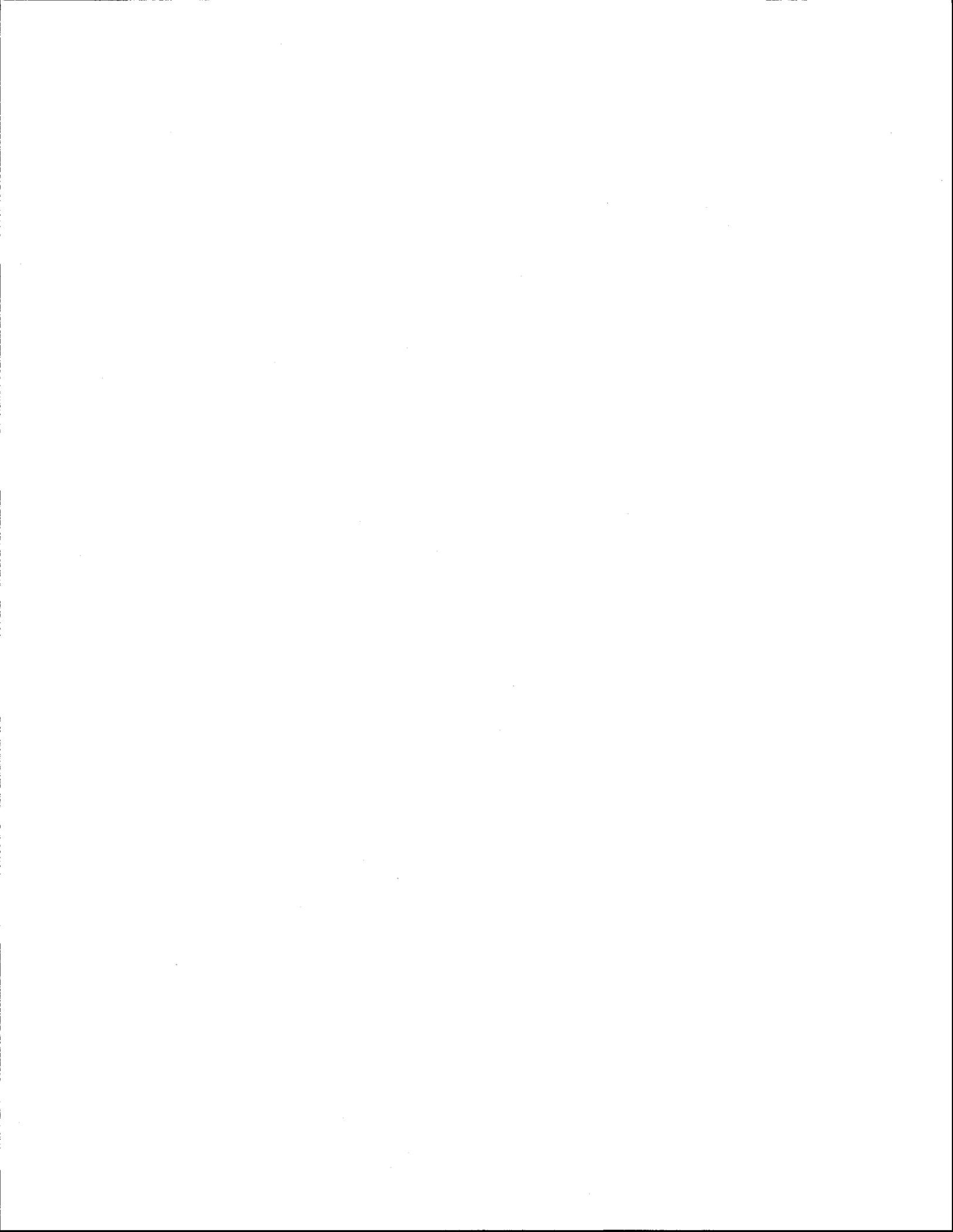
11 §89B-1. General provisions.

12 (a) No person ~~shall, in connection with his name or otherwise,~~  
13 ~~assume, shall use or advertise any title or description tending~~  
14 the designation "forester," "registered forester," or any other  
15 descriptive terms that tend to convey, directly or indirectly,  
16 the impression that he the person is a registered forester  
17 without first having been registered as a registered forester as  
18 hereinafter provided, under this Chapter.

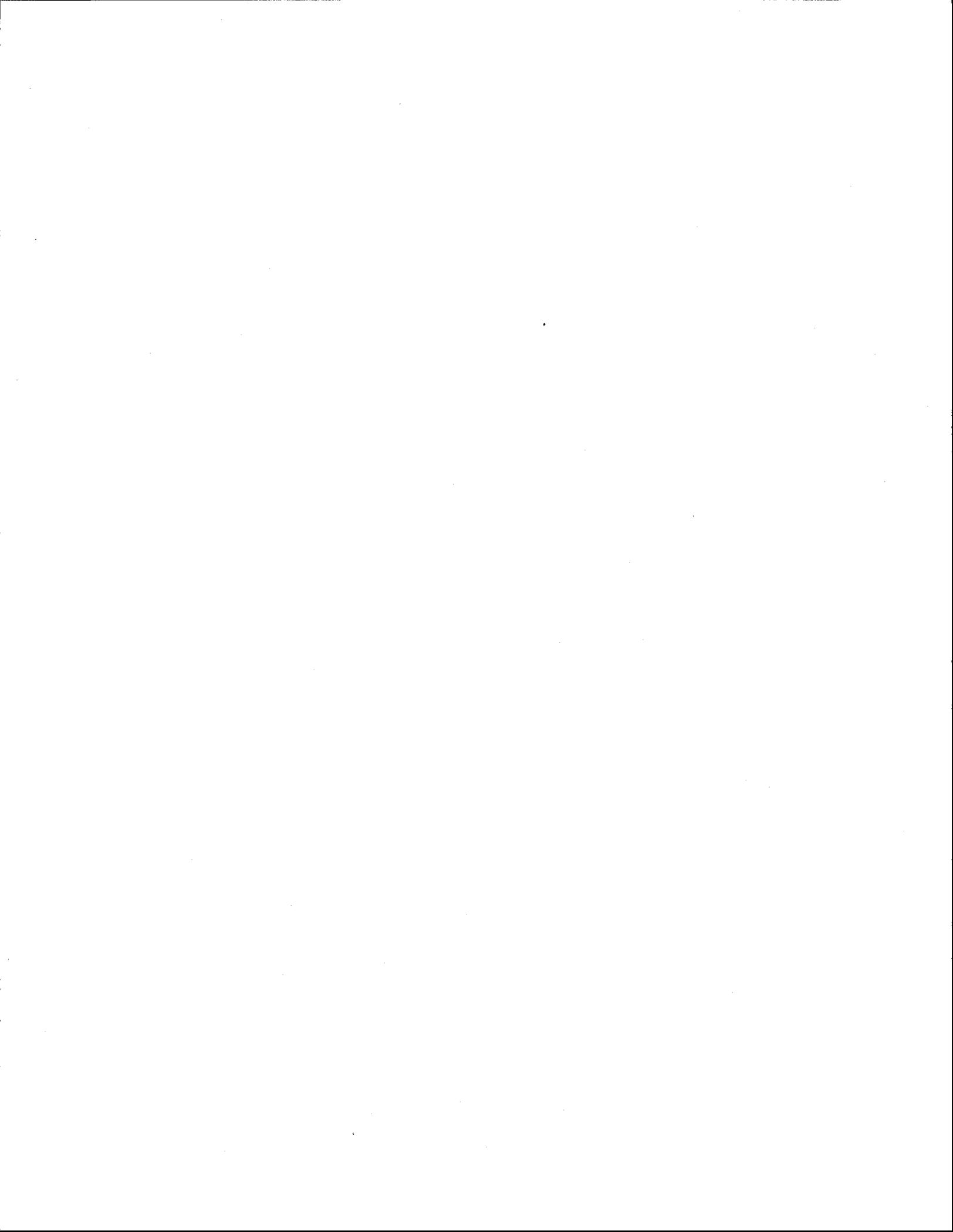
19 (b) ~~It is the intention of this This Chapter to benefit and~~  
20 ~~protect~~ benefits and protects the public by improving the  
21 standards ~~relative to~~ for the practice of professional forestry  
22 in North Carolina.

23 § 89B-2. Definitions.

24 As used in this Chapter:



- 1 (1) "Board" ~~shall mean~~ means the State Board of  
2 Registration for Foresters, provided for by this  
3 Chapter.
- 4 (2) "Forester" means a person who by reason of ~~his~~  
5 special knowledge and training in natural sciences,  
6 mathematics, silviculture, forest protection,  
7 forest mensuration, forest management, forest  
8 economics, and forest utilization is qualified to  
9 engage in the practice of ~~forestry as hereinafter~~  
10 ~~defined.~~ forestry.
- 11 (3) ~~"Practicing"~~ "Practice of forestry" means ~~giving~~  
12 rendering professional forestry services, including  
13 but not limited to, consultation, investigation,  
14 evaluation, education, planning, or responsible  
15 supervision of any forestry activities requiring  
16 knowledge, and training in and experience of  
17 forestry principles and techniques.
- 18 (4) "Registered forester" means a person who has been  
19 registered pursuant to this Chapter.
- 20 (5) "Consulting forester" means a ~~person~~ registered  
21 forester who:  
22 ~~a. Is registered by the State Board of~~  
23 ~~Registration for Foresters;~~  
24 ~~b. Is a technically educated professional~~  
25 ~~forester who is a graduate of a forestry~~  
26 ~~curriculum of a college or university and who~~  
27 ~~holds a bachelor's or higher degree in~~  
28 ~~forestry; or has shown equivalent knowledge by~~  
29 ~~passing the written examination administered~~  
30 ~~by the State Board of Registration for~~  
31 ~~Foresters as provided in this Chapter;~~  
32 ~~c. Is governed by the Code of Ethics of the~~  
33 ~~Society of American Foresters;~~  
34 ~~d.a.~~ Is competent to practice forest management,  
35 appraisal, development, marketing, protection,  
36 and utilization for the benefit of the general  
37 public on a fee, contractual, or contingency  
38 basis;
- 39 ~~e.b.~~ Has not engaged in any practice that  
40 constitutes a conflict of interest or in any  
41 way diminishes his ability to represent the  
42 best interests of his clients. and
- 43 ~~f.c.~~ Has filed annually an affidavit with the State  
44 ~~Board of Registration of Foresters attesting~~



1 ~~to his compliance with the conditions of this~~  
2 ~~Chapter.~~ Board in accordance with G.S. 89B-  
3 149(b).

4 (6) "Urban forester" means a person who engages in the  
5 practice of forestry in an urban setting that  
6 involves municipal ownership, homesteads, parks and  
7 woodlots, and similar urban properties.

8 §89B-3. State Board of Registration for Foresters; appointment of  
9 members; terms.

10 (a) A State Board of Registration for Foresters is created to  
11 administer the provisions of this Chapter. The Board shall have  
12 five members as follows:

13 (1) Four duly practicing registered foresters, at least three  
14 of whom hold ~~at a minimum~~ a bachelor's or higher degree from an  
15 accredited forestry school, and

16 (2) One public member.

17 Each member shall be appointed by the Governor for a three-year  
18 term. No member may serve more than two complete consecutive  
19 terms.

20 (b) Each member of the Board shall be a citizen of the United  
21 States and a resident of North Carolina.

22 (c) Vacancies in the membership of the Board shall be filled by  
23 appointment by the Governor for the unexpired term.

24 (d) The Board shall elect annually the following officers: a  
25 chairman, and a vice-chairman, who shall be members of the Board,  
26 and a secretary who may be a member of the Board. A quorum of the  
27 Board shall consist of not less than three voting members of the  
28 Board.

29 §89B-4. Compensation and expenses of Board members.

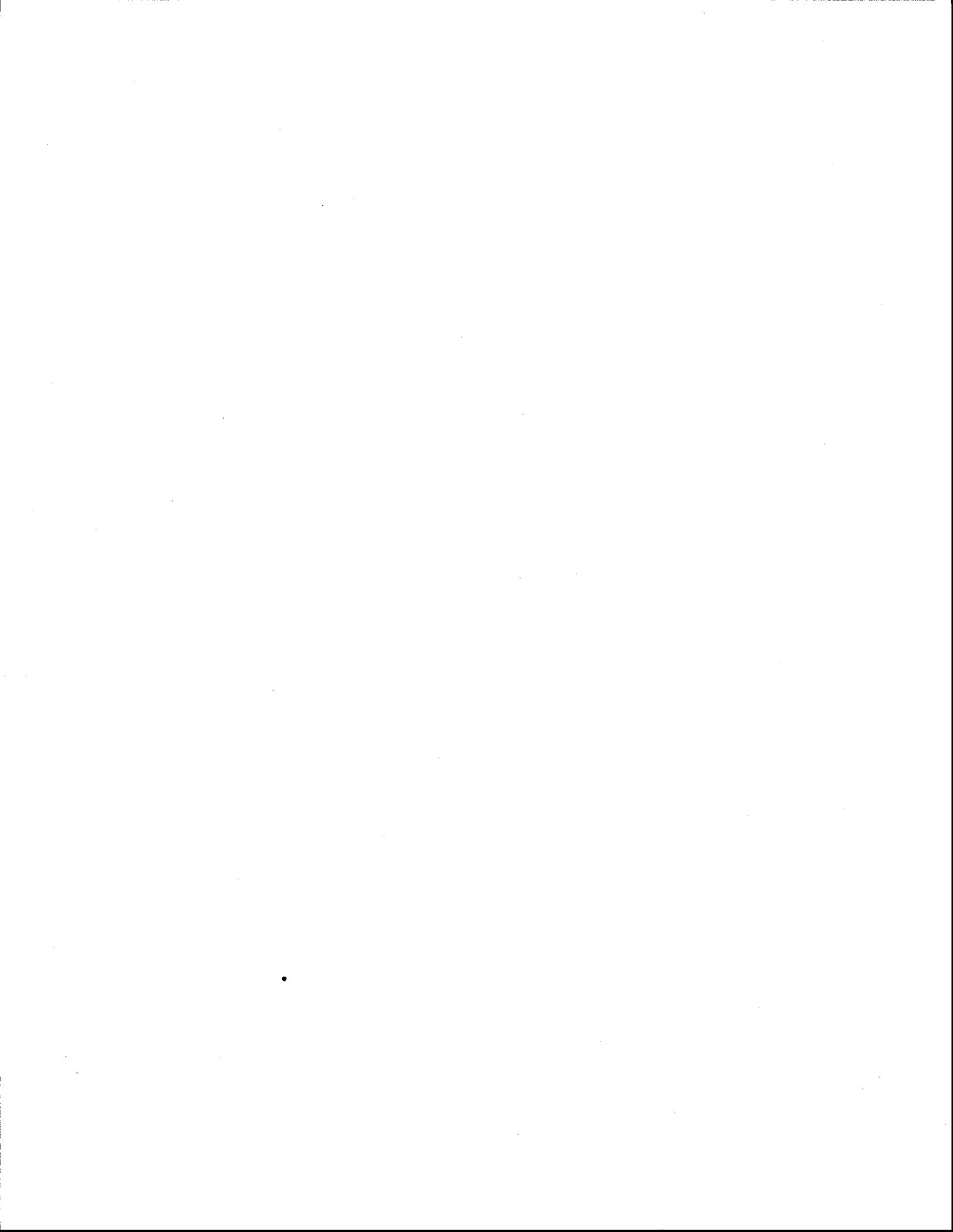
30 Each member of the Board shall receive per diem and allowances  
31 as provided ~~with respect to occupational licensing boards~~ by G.S.  
32 93B-5.

33 §89B-5. Organization and meetings of the Board.

34 The Board shall meet ~~on call of the Governor within 30 days~~  
35 ~~after its initial members are appointed, and thereafter shall~~  
36 ~~hold at least two regular meetings at least twice each year. In~~  
37 addition, special ~~Special~~ meetings may be held ~~at such time and~~  
38 place as in accordance with the bylaws of the ~~Board may provide.~~  
39 Board.

40 §89B-6. Powers of the Board.

41 The Board may ~~make all reasonable and necessary~~ adopt rules for  
42 the proper performance of its duties and the regulation of the  
43 proceedings before it. The Board shall adopt an official seal.



1 Any member of the Board may administer oaths or affirmations to  
2 witnesses appearing before the Board.

3 The Board may establish fees, subject to the maximum amount  
4 prescribed by this Chapter.

5 **§89B-7. Receipts and disbursements.**

6 The secretary of the Board shall receive and account for all  
7 moneys derived under ~~the provision of~~ this Chapter, and shall  
8 keep ~~such these~~ moneys in a separate fund ~~to be~~ known as the  
9 "Registered Foresters' Fund." Moneys in the ~~aforsaid fund~~ Fund  
10 shall be expended to carry out the purposes of the Board. The  
11 secretary of the Board shall give surety bond to the Board in  
12 ~~such sum as the Board may determine, the premium of which shall~~  
13 ~~be regarded as an amount determined by the Board.~~ The premium  
14 for the surety bond is a proper expense of the Board and shall be  
15 paid from the Registered Foresters' Fund.

16 The Board may employ and fix the compensation of necessary  
17 clerical and other assistants. The compensation of ~~such these~~  
18 assistants shall be paid out of the Registered Foresters' Fund.

19 **§89B-8. Records and reports.**

20 The Board shall keep a record of its proceedings and a register  
21 of all applications for registration. The register shall show the  
22 name, age and residence of each applicant; the date of the  
23 application; the applicant's place of business; his the  
24 applicant's educational and other qualifications; whether or not  
25 examination was required; whether the application was rejected or  
26 registration was granted; the date of action by the Board; and  
27 other information as may be deemed necessary by the Board.  
28 Annually on Each July 1 the Board shall submit to the Governor a  
29 report of its transactions of the preceding year.

30 **§89B-9. General requirements for registration.**

31 (a) ~~Applicants~~ An applicant for registration shall be  
32 registered upon satisfactory ~~showing proof~~ proof to the Board that the  
33 ~~applicant:~~ applicant meets both of the following requirements:

34 (1) ~~Is~~ The applicant is of good moral ~~character, and~~ character.

35 (2) ~~Has either:~~ The applicant meets one of the following  
36 requirements:

37 a. ~~Graduated~~ Graduation with a bachelor's or higher  
38 degree in a forestry curriculum from a school or  
39 college of forestry approved by the ~~Board~~ Board,  
40 passage of a comprehensive written examination, and  
41 has had the completion of two or more years'  
42 experience in forestry; or forestry.

43 b. ~~Passed~~ Passage of a written examination designed to  
44 show knowledge approximating that obtained through



1 graduation from a four-year curriculum in forestry in  
2 a university or college approved by the Board,  
3 passage of a comprehensive written examination, and  
4 has a record the completion of five six or more years  
5 of active practice in forestry work of a character  
6 satisfactory to the Board; provided that five or more  
7 years shall be immediately prior to the application;  
8 or application. The work must be of a character  
9 acceptable to the Board. Graduation with an  
10 Associate Applied Science degree in a forestry  
11 curriculum in a school or college approved by the  
12 Board is the equivalent of one year of experience.  
13 The completion of the junior year of a curriculum in  
14 forestry in a college or school approved by the Board  
15 is the equivalent of two years of experience. The  
16 completion of the senior year of a curriculum in  
17 forestry in a school or college approved by the Board  
18 is equivalent to three years experience.

19 c. Is a resident of North Carolina and has engaged in  
20 the practice of forestry for five years immediately  
21 prior to July 1, 1975, and has held himself out in  
22 writing and has been employed as a practicing  
23 forester for that period. Such person shall make  
24 written application under oath of the Board to be  
25 registered on or before June 30, 1976, and thereafter  
26 no person shall be registered under this  
27 subparagraph. Registration in good standing as a  
28 registered forester with the Board as of January 1,  
29 1997.

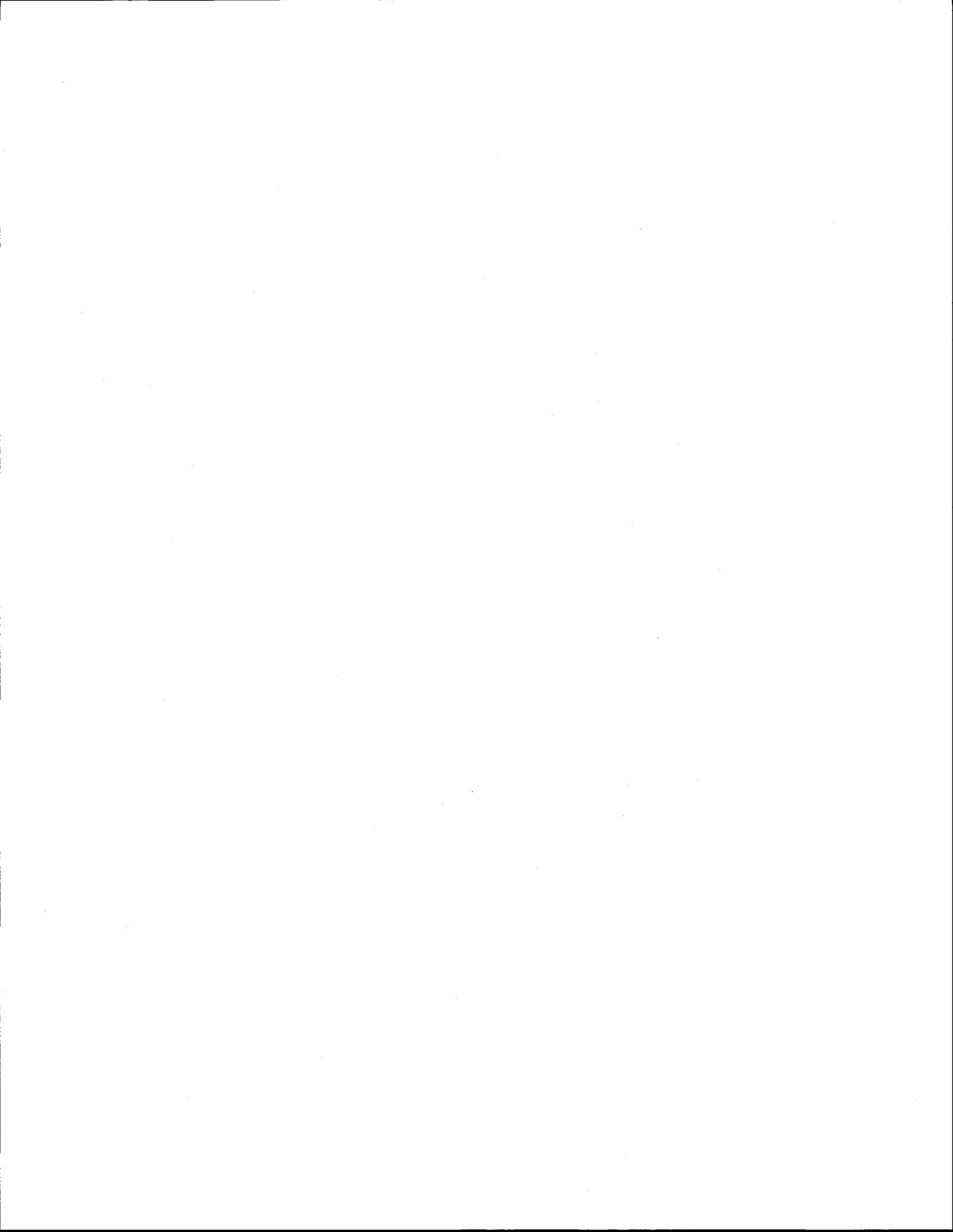
30 d. Practice of urban forestry for six years immediately  
31 prior to July 1, 1996, if the applicant meets all of  
32 the following conditions:

33 (1) The applicant is a North Carolina resident at  
34 the time of filing the application.

35 (2) The applicant practiced under the title "urban  
36 forester" during the six year period.

37 (3) The applicant, prior to June 30, 1997, applies  
38 to the Board for registration and submits an  
39 affidavit under oath to the Board showing  
40 experience and education equivalent to that of  
41 a forester, as determined by the Board.

42 (b) Registration shall be determined upon the basis of  
43 individual personal qualification. No firm, company, partnership,



1 corporation or public agency shall be registered as a registered  
2 forester.

3 (b1) The Board may issue a forester-in-training certificate to  
4 an applicant who has completed the educational requirements under  
5 sub-subdivision (a)(2)a. of this section.

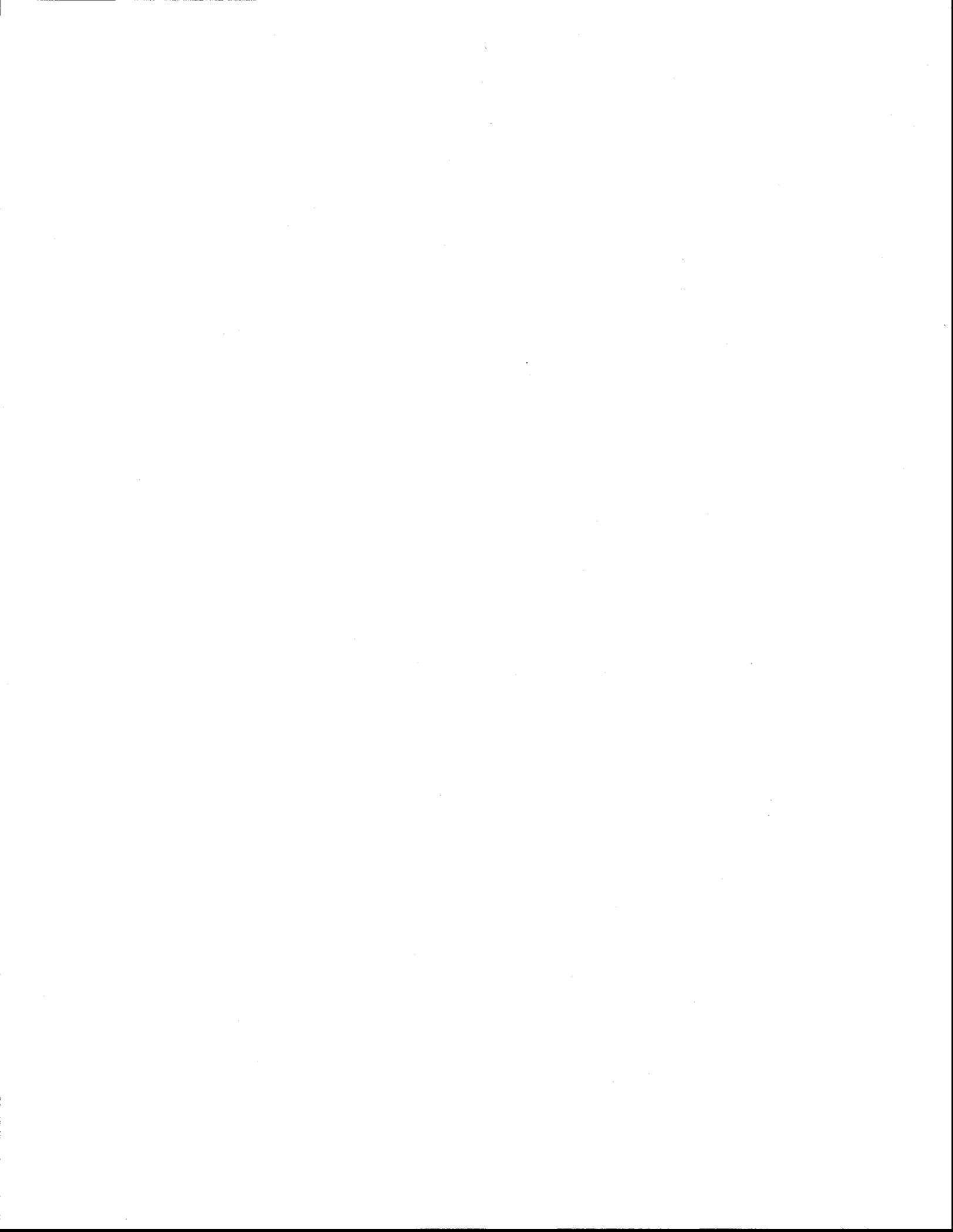
6 (c) A nonresident of North Carolina may become a registered  
7 forester under this Chapter by complying with its terms, and by  
8 filing a consent as to service of process and pleadings upon the  
9 Board secretary. In connection with the practice of forestry by  
10 such nonresident in North Carolina, the consent as to service of  
11 process and pleadings shall be held binding and valid in all  
12 courts, as if due service had been made personally upon said  
13 nonresident by the Board, when such process has been served upon  
14 the Board secretary.

15 ~~(d) A person not a resident of North Carolina, or one who has~~  
16 ~~recently become a resident thereof, may become registered under~~  
17 ~~this Chapter upon written application to the Board, provided: (i)~~  
18 ~~Such person is legally registered as a registered forester in his~~  
19 ~~own state or country and has submitted evidence to the Board that~~  
20 ~~he is so registered; and (ii) the state or country in which he is~~  
21 ~~so registered observes these same rules of reciprocity in regard~~  
22 ~~to persons registered under the provisions of this Chapter.~~  
23 registered as a registered forester in another jurisdiction may  
24 be registered under this Chapter, by written application to the  
25 Board, if that jurisdiction provides for the same or  
26 substantially same registration for North Carolina foresters who  
27 are registered under this Chapter.

28 (e) A nonresident of North Carolina may use the term  
29 'registered forester' or other titles otherwise prohibited by  
30 this Chapter in North Carolina without becoming registered under  
31 this Chapter provided that he is registered in another state  
32 which will reciprocate with the provision of this Chapter.

33 **§ 89B-10. Application and registration fees.**

34 (a) Applications for registration shall be made on forms  
35 prescribed and furnished by the Board. The application fee for a  
36 certificate of registration as a registered forester shall be  
37 ~~fifteen dollars (\$15.00),~~ in an amount determined by the Board,  
38 not to exceed fifty dollars (\$50.00), which shall accompany the  
39 application. An additional ~~twenty dollars (\$20.00)~~ fee, not to  
40 exceed forty dollars (\$40.00), shall be paid upon issuance of the  
41 certificate of registration. ~~Should the An applicant fail or~~  
42 ~~refuse to that does not remit the certificate fee within 30 days~~  
43 ~~after being notified in the usual manner that the applicant has~~  
44 ~~successfully qualified, he of qualification forfeits the right to~~



1 have the certificate ~~so issued and said~~ issued, and the applicant  
2 may be required again to submit an original application ~~fee~~  
3 ~~therefor. fee.~~ Should If the Board deny the issuance of denies a  
4 certificate of registration to any applicant, the initial  
5 application fee deposited by the applicant shall be retained by  
6 the Board.

7 (b) It is unlawful for any person to provide false or forged  
8 information to the Board or a member of the Board in obtaining a  
9 certificate of registration.

10 § 89B-11. Expiration and renewals. renewals; continuing  
11 education.

12 (a) Registrations shall expire on the last day of June  
13 following issuance or renewal and shall become invalid after that  
14 date unless renewed. It shall be the duty of the The secretary  
15 of the Board to notify, at his last registered address, shall  
16 notify every person registered under this Chapter of the date of  
17 the expiration of his registration and the amount of fee which  
18 shall be required for its renewal for one year. Such The notices  
19 shall be mailed at least 30 days in advance of prior to the  
20 expiration date of such the registrations. The annual renewal fee  
21 for certificates shall be twenty dollars (\$20.00). in an amount  
22 established by the Board, not to exceed fifty dollars (\$50.00).  
23 The fee for issuance of replacement certificates of registration  
24 shall be five dollars (\$5.00).

25 Any registration which has expired may be renewed by paying a  
26 ~~fee of twenty dollars (\$20.00)~~ the registration fee plus one  
27 dollar (\$1.00) one-twelfth of the annual renewal fee per calendar  
28 month from the date of expiration. Charges above the renewal fee  
29 shall not exceed twenty dollars (\$20.00). an amount equal to the  
30 renewal fee.

31 (b) The Board may require licensees to attend continuing  
32 education courses approved by the Board, not to exceed 15 credit  
33 hours per year, as a condition of license renewal.

34 §89B-12. Examinations.

35 When written examinations are required, they shall be held at  
36 ~~such the~~ time and places in the State of North Carolina as the  
37 Board shall determine. The methods of procedure will be described  
38 by the Board. A candidate failing an examination may apply for  
39 reexamination at the expiration of after six months and will be  
40 reexamined with payment of an additional fee of fifteen dollars  
41 (\$15.00). established by the Board, not to exceed fifty dollars  
42 (\$50.00). Subsequent examinations will be granted upon payment  
43 of a fee of fifteen dollars (\$15.00) this fee for each  
44 examination.



1 §89B-13. Revocations and reissuance of registration.

2 The Board shall have the power to revoke or suspend the  
3 certificate of registration of any registrant who is found, by  
4 the Board, to be guilty of gross negligence, fraud, deceit or  
5 flagrant misconduct in the practice of forestry, or who is found  
6 by the Board to have demonstrated incompetence as a practicing  
7 forester. The Board ~~is empowered to~~ may designate a person or  
8 persons to investigate and report to it upon any charges of  
9 fraud, deceit, gross negligence, incompetency or other misconduct  
10 by a registrant in the practice of forestry. in connection with  
11 ~~any forestry practice against any registrant that may come to its~~  
12 ~~attention.~~

13 Any person may prefer charges against any a registrant. ~~Such~~  
14 The charges shall be in ~~writing and writing,~~ shall be sworn to by  
15 the person making ~~them and shall be them,~~ and filed with the  
16 secretary of the Board. The time and place for a hearing before  
17 the Board shall be fixed by the Board. At any hearing the accused  
18 may appear in person or by counsel. The Board may reissue a  
19 certificate of registration to any person whose certificate of  
20 registration has been revoked or suspended.

21 §89B-14. Roster of registered ~~foresters.~~ foresters; consulting  
22 forester affidavit.

23 (a) A roster showing the names, registration numbers, and  
24 places of business residence of all ~~registered foresters~~  
25 ~~qualified according to the provisions of registrants under~~ this  
26 Chapter shall be prepared by the secretary of the Board ~~during~~  
27 ~~the month of July of each year.~~ annually. Copies of this roster  
28 shall be placed on file with the Secretary of State of North  
29 Carolina and each clerk of superior court in North Carolina. A  
30 copy shall be sent to each registrant, and copies may be  
31 furnished to the public upon request and upon payment of a fee ~~to~~  
32 ~~be~~ set by the Board.

33 (b) Each consulting forester shall annually file with the Board  
34 an affidavit of its compliance with this Chapter.

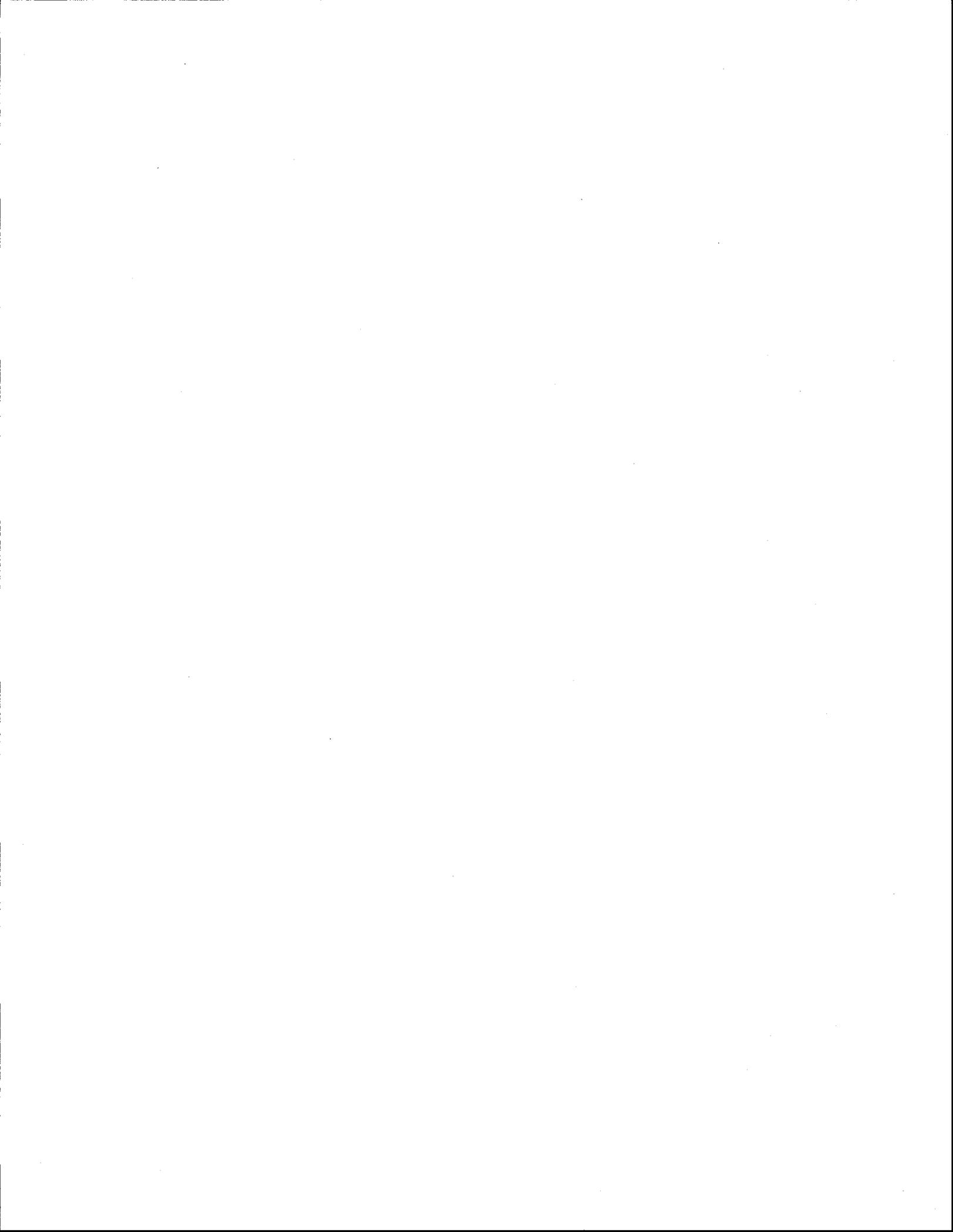
35 § 89B-14. ~~Violation and penalties.~~ Violation.

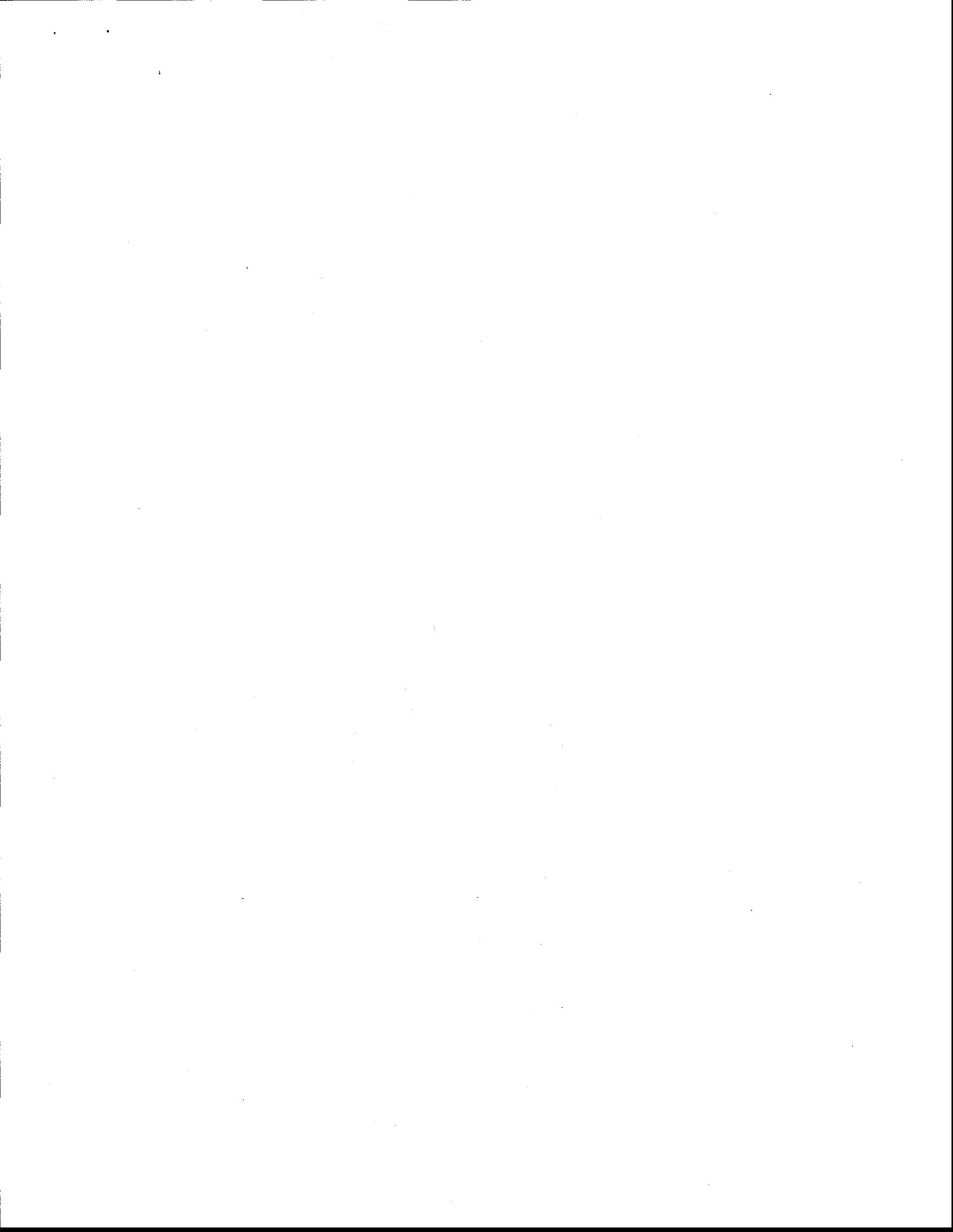
36 ~~Any person who, without being registered in accordance with the~~  
37 ~~provisions of this Chapter, shall use in connection with his name~~  
38 ~~or otherwise assume, use or advertise any title or description~~  
39 ~~tending to convey the impression that he is a registered~~  
40 ~~forester; or any person who shall give any false or forged~~  
41 ~~information of any kind to the Board or to any member thereof in~~  
42 ~~obtaining a certificate of registration; or any person, firm,~~  
43 ~~partnership or corporation who shall violate any of the~~

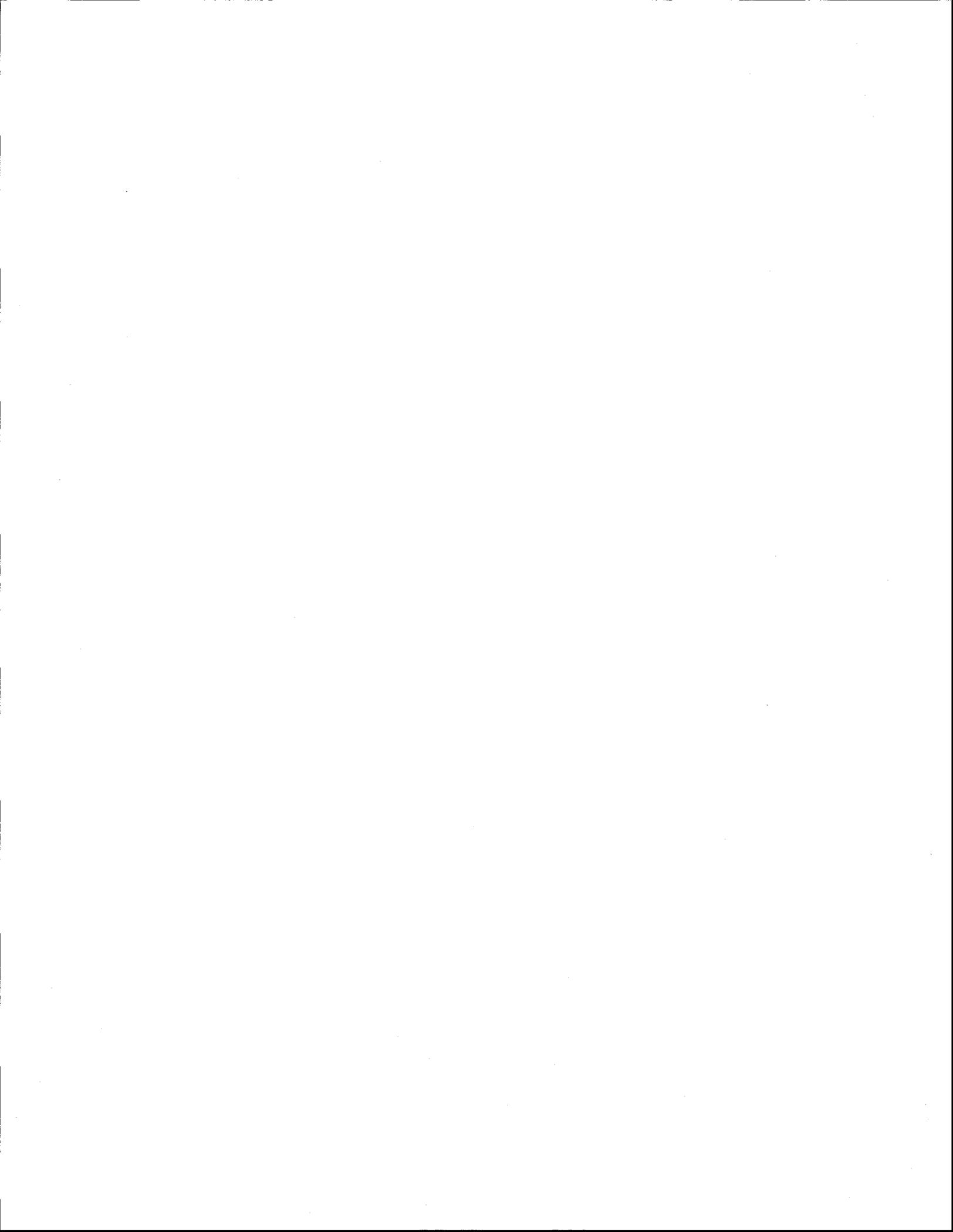


1 ~~provisions of this Chapter shall be guilty of A violation of this~~  
2 ~~Chapter is~~ a Class 3 misdemeanor.

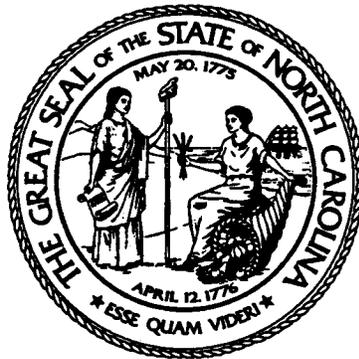
3       Sec. 2. This act becomes effective January 1, 1997. The State  
4 Board of Registration for Foresters may adopt rules prior to  
5 January 1, 1997, for the administration of this act.



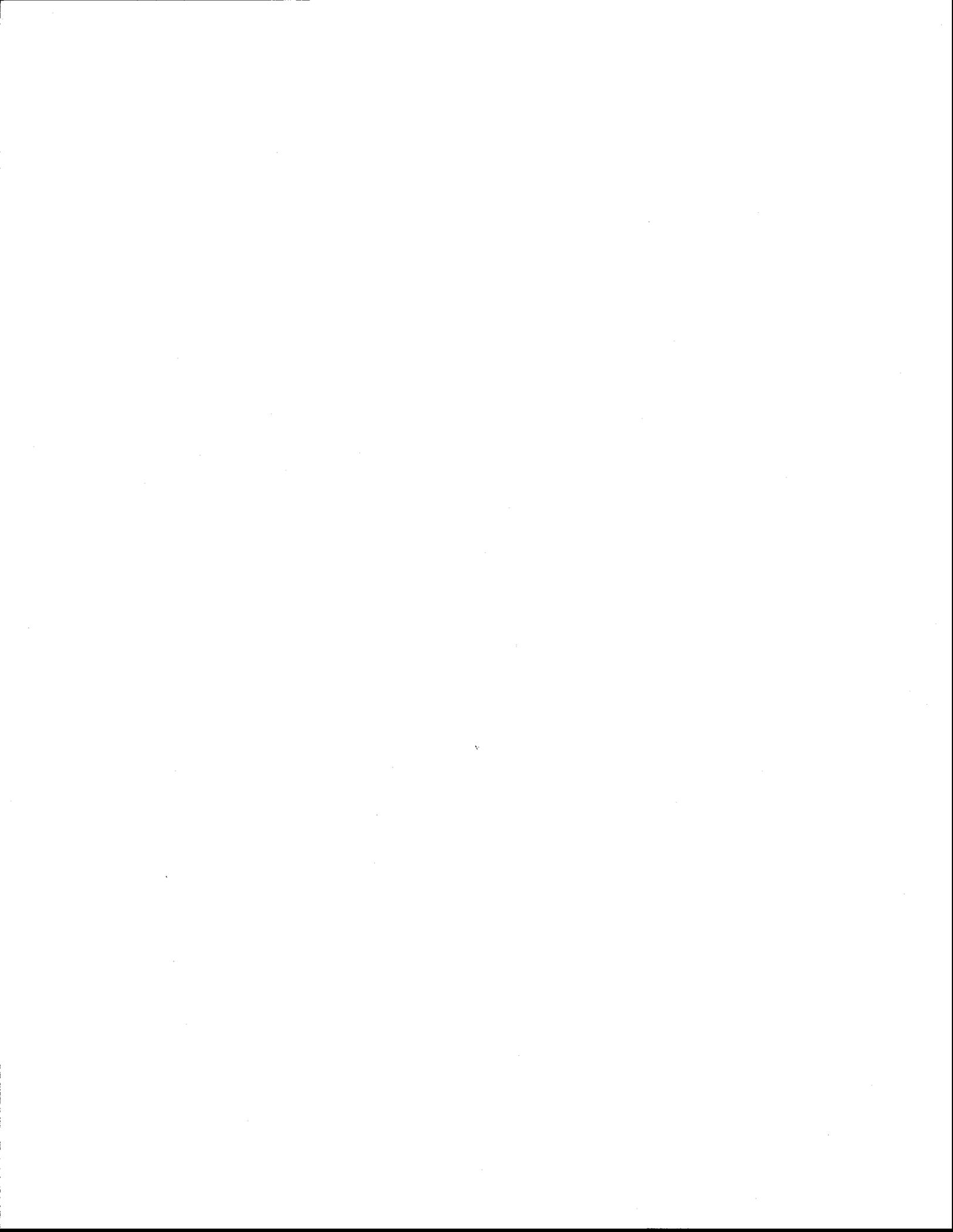


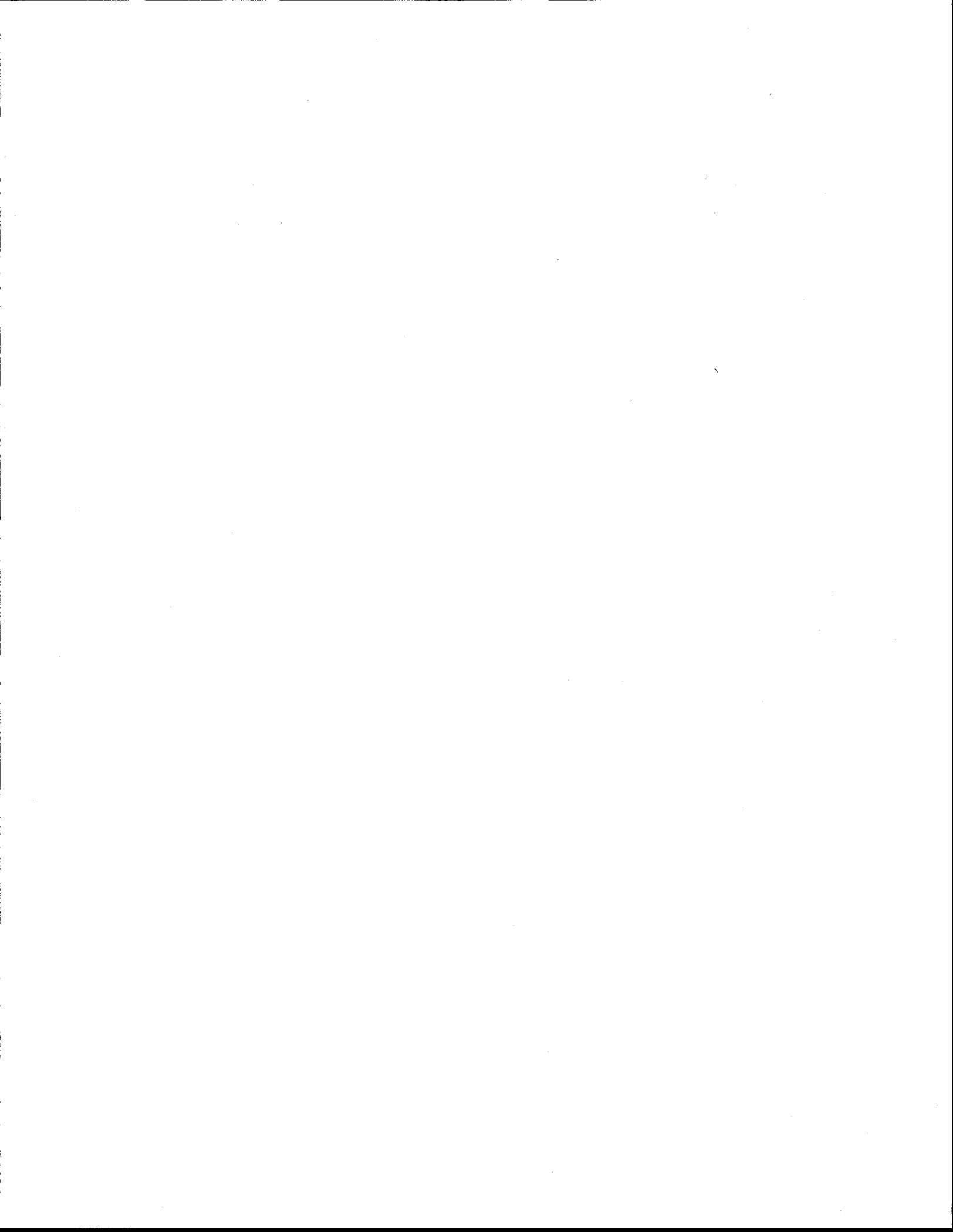


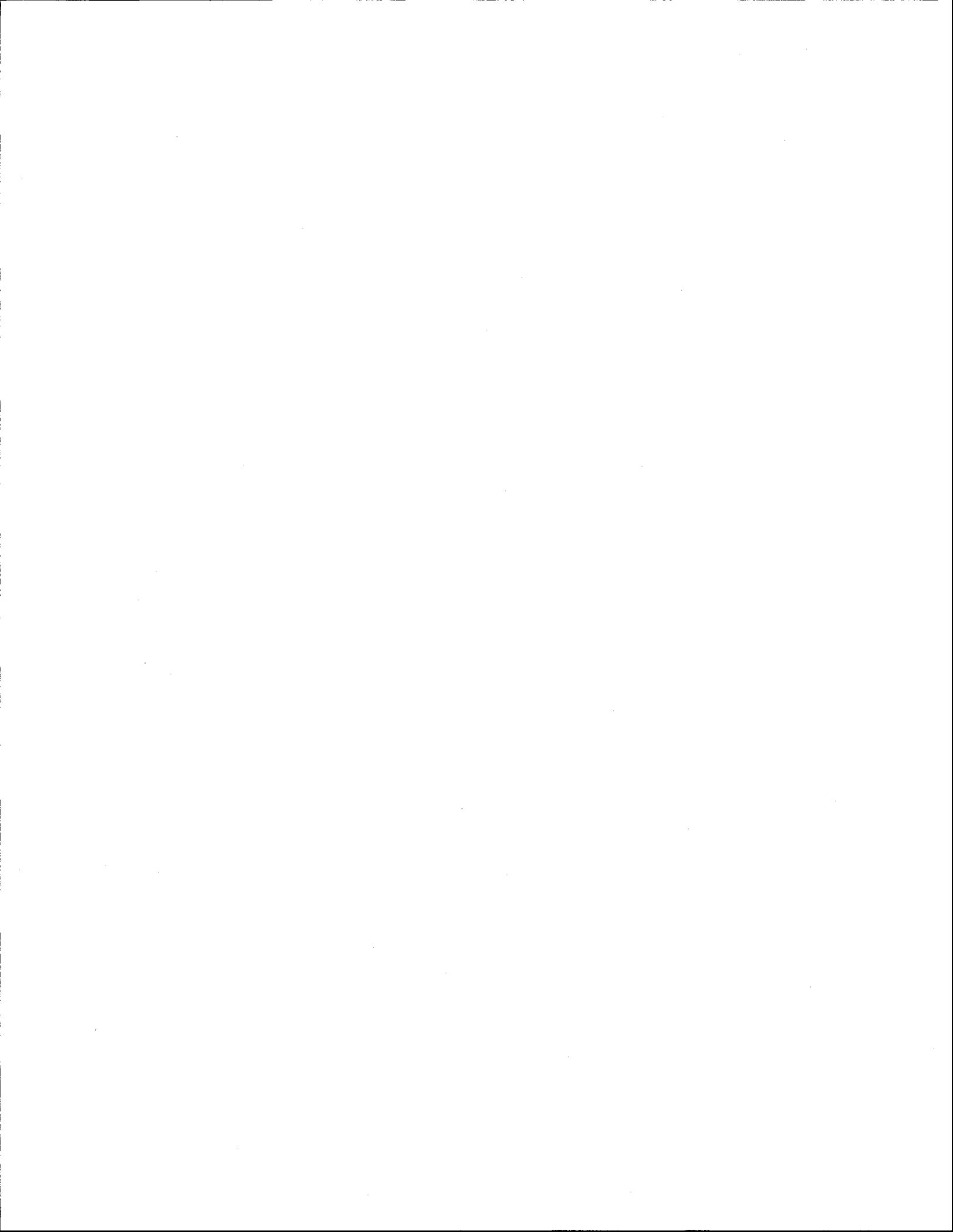
**LEGISLATIVE COMMITTEE ON  
NEW LICENSING BOARDS**



**ASSESSMENT REPORT  
FOR  
PSYCHOLOGIST - MASTERS  
1996**









**North Carolina General Assembly  
Legislative Services Agency**

**George R. Hall, Legislative Services Officer  
(919) 733-7044**

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Research Division  
Suite 545, LOB  
300 N. Salisbury St.  
Raleigh, NC 27603-5925  
(919) 733-2578

**March 22, 1996**

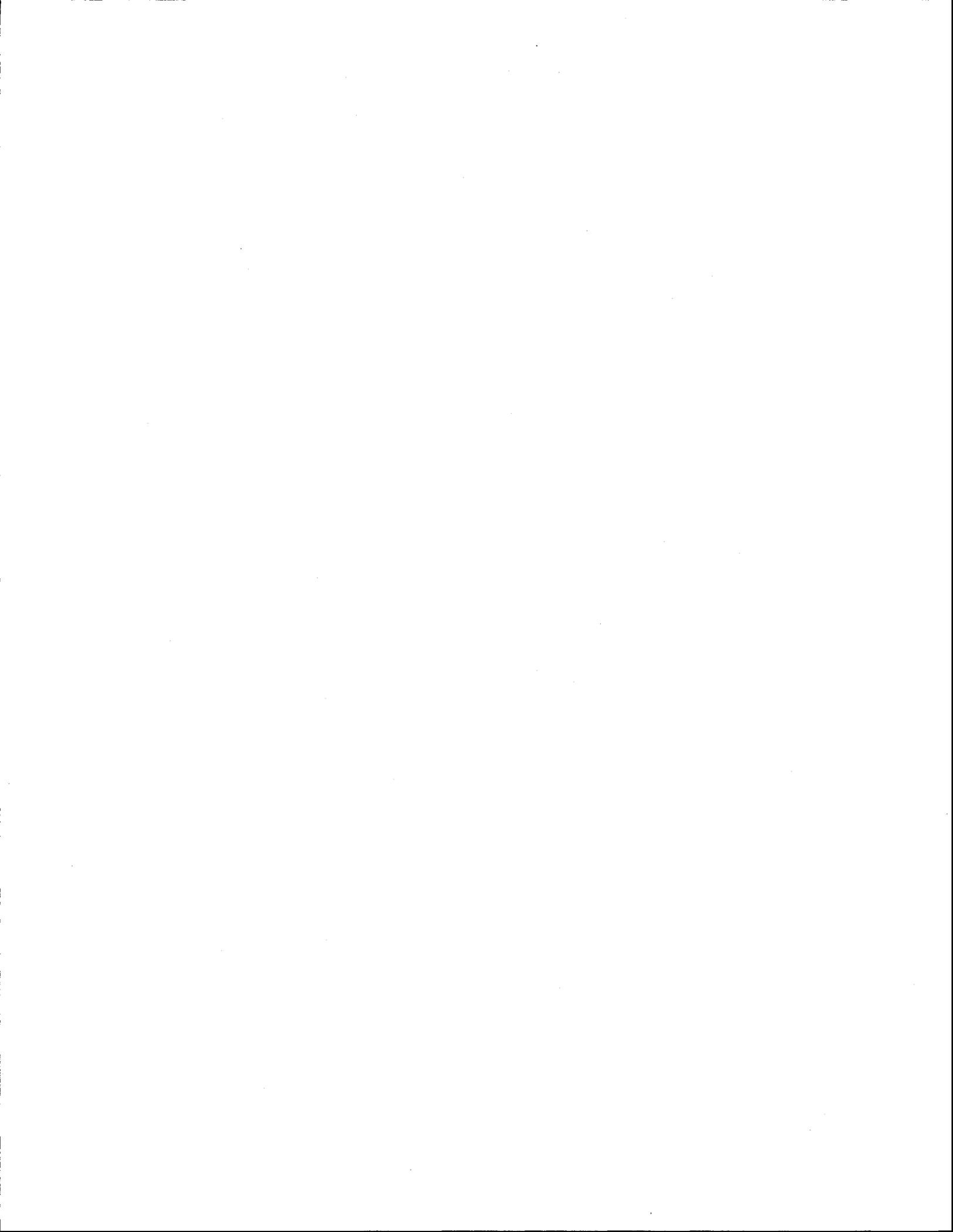
**TO THE MEMBERS OF THE GENERAL ASSEMBLY**

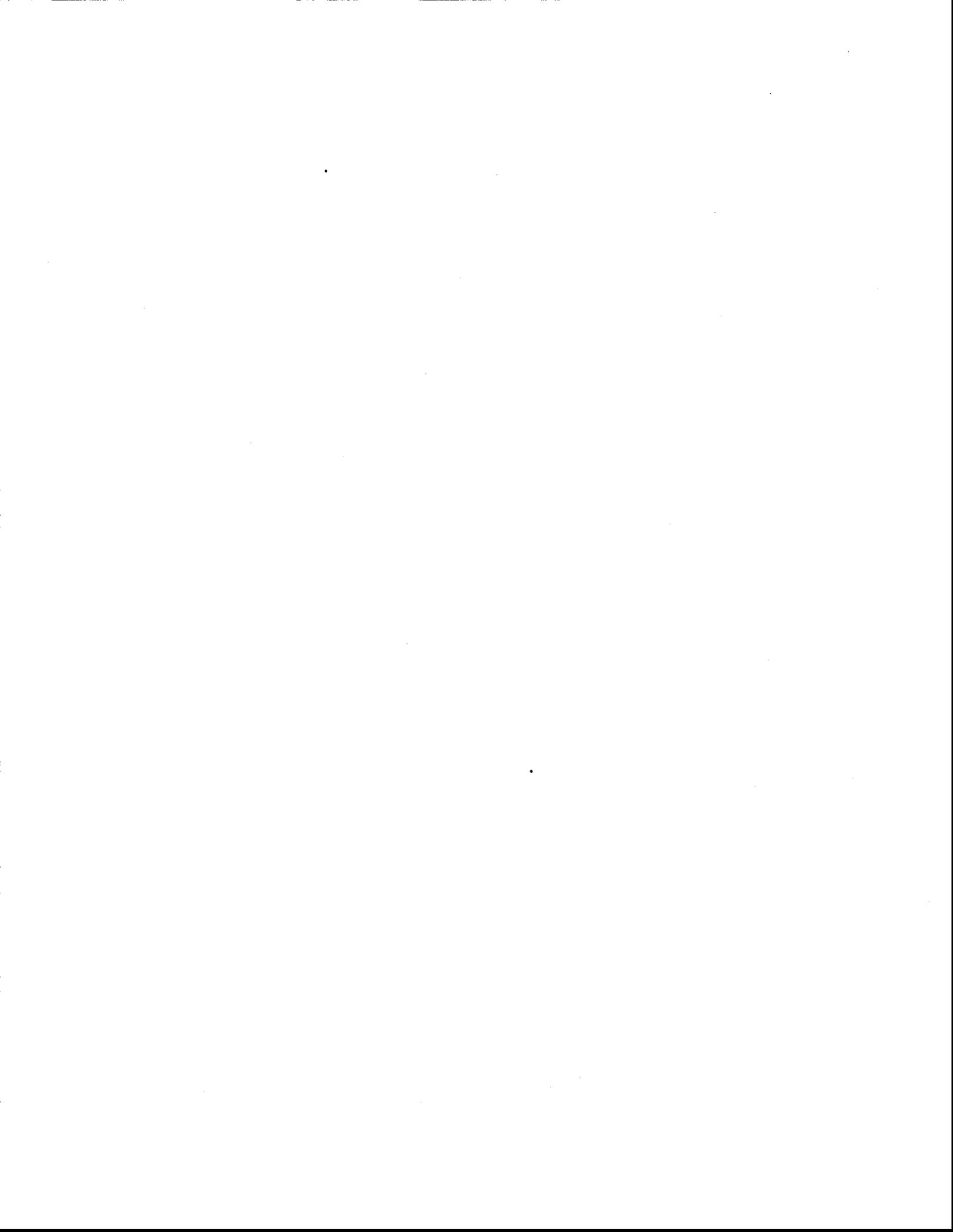
Attached for your consideration is the assessment report on the licensing of masters-level psychologists. This report serves as both the preliminary and final assessment reports.

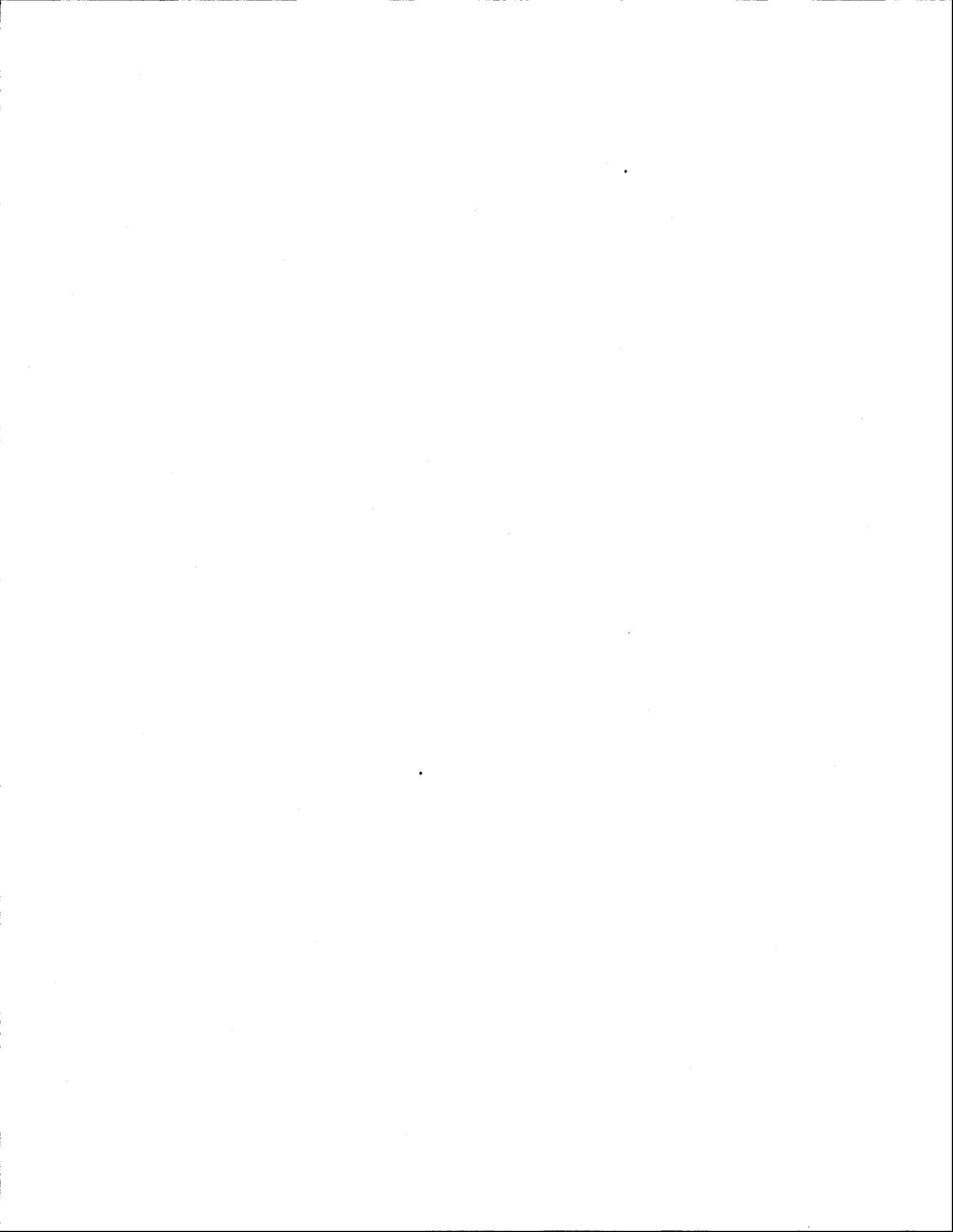
**Senator David Parnell, Chairman  
Legislative Committee on New Licensing Boards**

**Prepared By:  
Linwood Jones, Counsel  
Legislative Committee on New Licensing Boards**









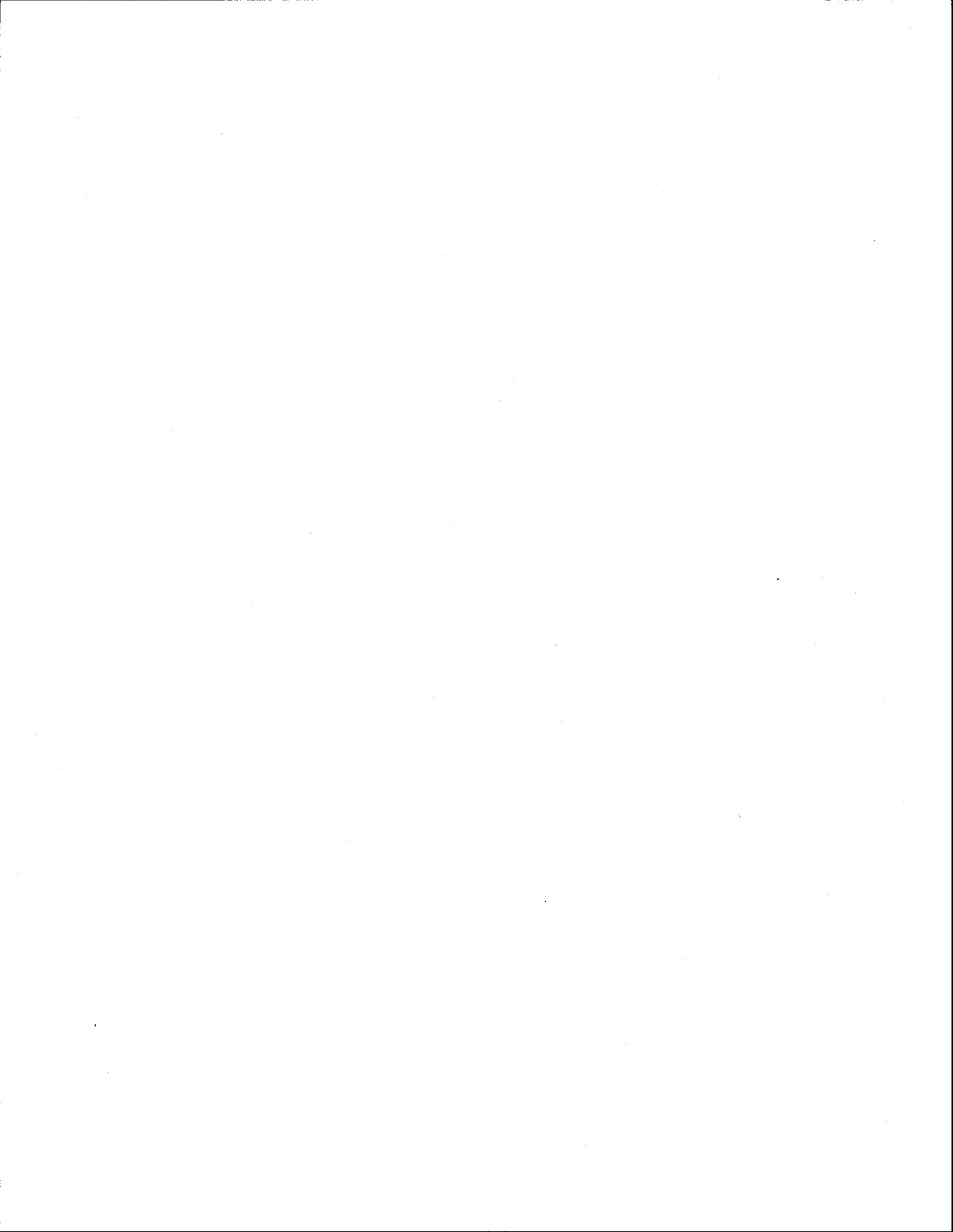
# **PSYCHOLOGIST MASTERS**

The practice of psychology is regulated in North Carolina by the North Carolina Board of Psychology Examiners pursuant to the psychology practice act in Chapter 90 of the General Statutes. The act recognizes the practice of psychology by licensed psychologists and by licensed psychological associates acting under the supervision of licensed psychologists. The Board, by rule, regulates and defines and the supervisory relationship (G.S. 90-270.5(e)).

Currently, to be licensed as a psychologist, an applicant must have a doctoral degree from an approved psychology program at an institution of higher education, pass the examination, and have two years of supervised experience. To be licensed as a psychological associate, the applicant must have a masters degree in an approved psychology program from an institution of higher learning and pass the examination.. As mentioned above, a licensed psychological associate must practice under the supervision of a licensed psychologist.

The proposal before the Committee would create a license for a "licensed psychologist-masters." This proposal was presented to the Committee in the form of a pending bill (House Bill 452). To be licensed as a psychologist-masters, an applicant would have to hold a masters or specialist degree from an approved psychology program at an institution of higher education, pass the examination (including passage of the national exam at the licensed psychologist passing point), and complete four years of supervised experience (see proposed G.S. 90-270.11(a1) in HB 452). The proposal would also allow licensed psychological associates to apply to the Board to be grandfathered in as licensed psychologist-masters if they have the necessary education and experience (as determined by the Board).

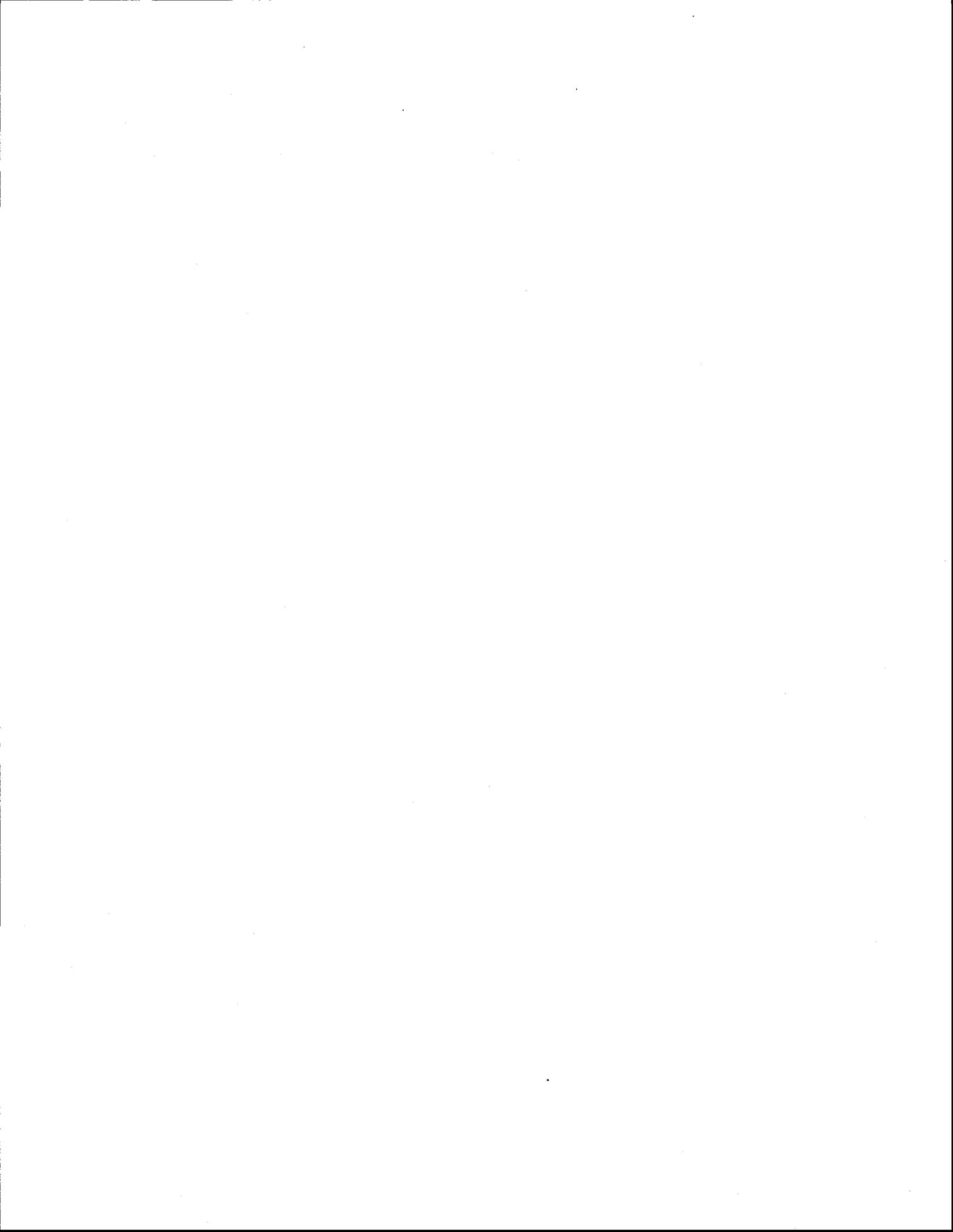
Testimony was received before the Committee from the proponents and sponsor of this proposal that the lifetime supervision requirement over psychological associates was unnecessarily adding to the costs of psychological services and that it reduced accessibility to these services, particularly in rural areas. The proponents also noted that licensure would allow them to freely compete with other mental health providers, such as social workers and psychiatric nurses. Psychological associates make up forty percent or more of the psychologist population in the State. Many are in State and local governments. The proponents estimate that the supervision requirement costs the State and local governments over \$664,000 each year in additional costs. Masters-level psychologists are also reportedly finding it more difficult to obtain reimbursement from insurers, HMOs, and



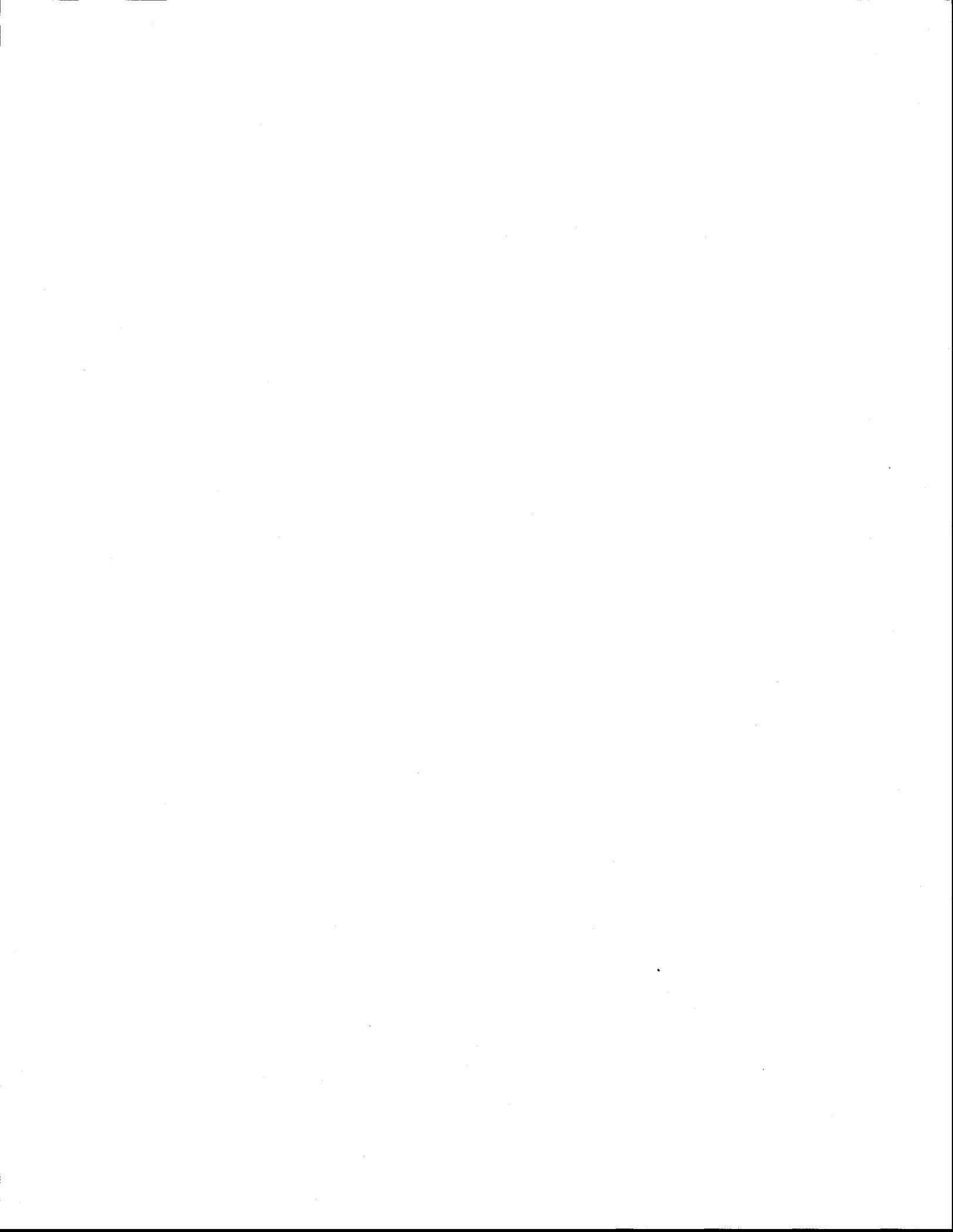
other managed care organizations because they are not legally recognized as independent practitioners.

This proposal was referred to the Committee for study by the Legislative Research Commission. The proposal creates a new license although it appears that the class of persons affected by it are already subject to regulation as psychological associates. Because it does not regulate a class of persons that were previously unregulated, it was counsel's opinion that the typical findings made by the Committee concerning new licensing proposals are neither applicable nor appropriate in this case. Nevertheless, the Committee has elected to use its usual reporting vehicle -- the assessment report -- to present its recommendation on this matter.

The Committee recommends that the General Assembly consider favorably the proposal to allow masters-levels psychologists to practice independently. The Committee's recommendation is based on the proposal that was contained in House Bill 452. This report constitutes both the preliminary and final reports of the Committee on this proposal.







1 the boundaries of the psychologist's own competence, including provision for the  
2 diagnosis and treatment of relevant medical or optometric problems."

3 Sec. 3. G.S. 90-270.4(c) reads as rewritten:

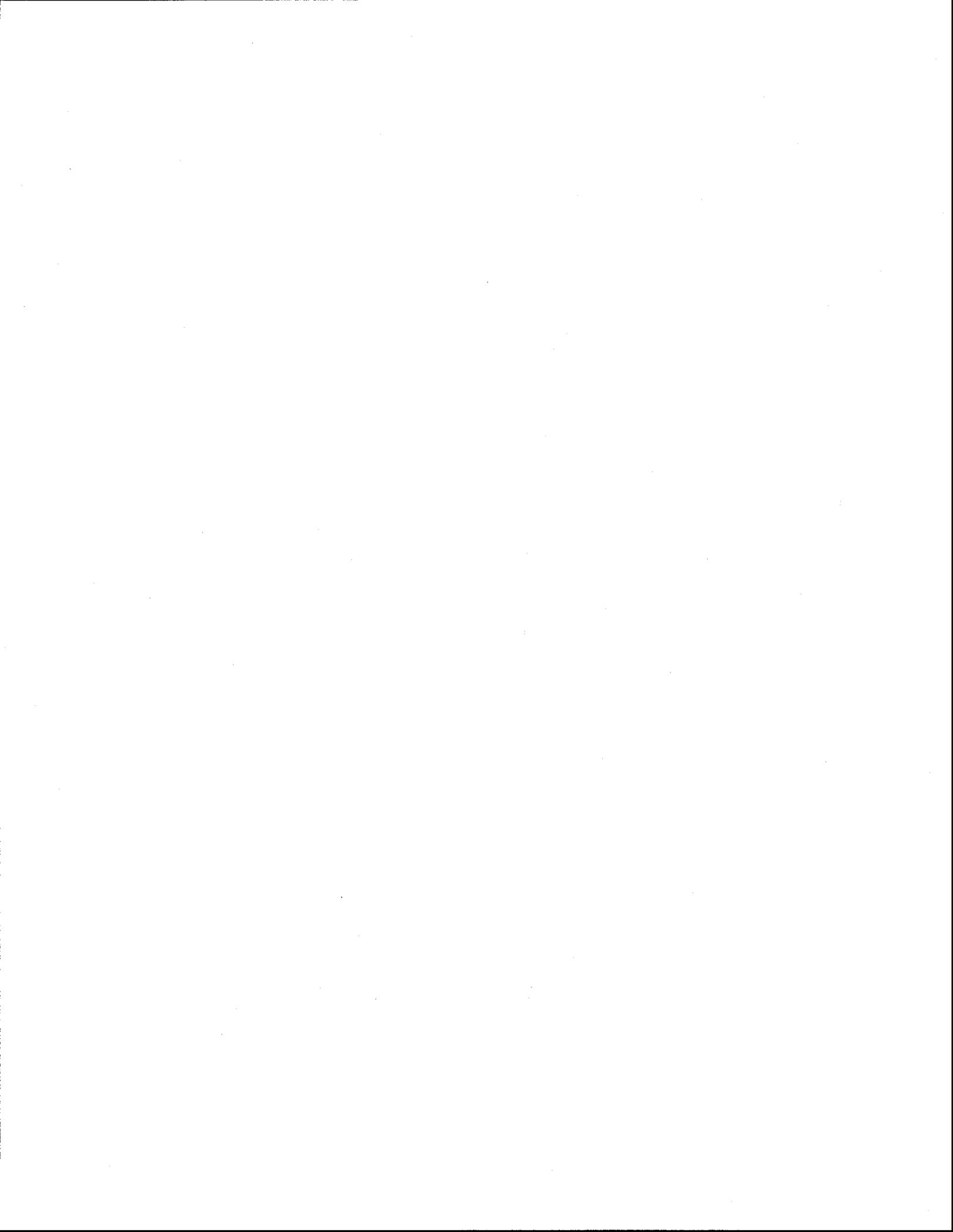
4 "(c) Persons certified by the State Board of Education as school psychologists and  
5 serving as regular salaried employees of the Department of Public Instruction or local  
6 boards of education are not required to be licensed under this Article in order to  
7 perform the duties for which they serve the Department of Public Instruction or local  
8 boards of education, and nothing in this Article shall be construed as limiting their  
9 activities, services, or titles while performing those duties for which they serve the  
10 Department of Public Instruction or local boards of education. If a person certified  
11 by the State Board of Education as a school psychologist and serving as a regular  
12 salaried employee of the Department of Public Instruction or a local board of  
13 education is or becomes a licensed psychologist or licensed psychologist-masters  
14 under this Article, he or she shall be required to comply with all conditions,  
15 requirements, and obligations imposed by statute or by Board rules upon all other  
16 licensed psychologists or licensed psychologist-masters as a condition to retaining that  
17 license. Other provisions of this Article notwithstanding, if a person certified by the  
18 State Board of Education as a school psychologist and serving as a regular salaried  
19 employee of the Department of Public Instruction or a local board of education is or  
20 becomes a licensed psychological associate under this Article, he or she shall not be  
21 required to comply with the supervision requirements otherwise applicable to  
22 licensed psychological associates by Board rules or by this Article in the course of his  
23 or her regular salaried employment with the Department of Public Instruction or a  
24 local board of education, but he or she shall be required to comply with all other  
25 conditions, requirements, and obligations imposed by statute or a local board of  
26 education or by Board rules upon all other licensed psychological associates as a  
27 condition to retaining that license."

28 Sec. 4. G.S. 90-270.4(d) reads as rewritten:

29 "(d) Nothing in this Article shall be construed as limiting the activities, services,  
30 and use of title designating training status of a student, intern, fellow, or other trainee  
31 preparing for the practice of psychology under the supervision and responsibility of a  
32 qualified psychologist in an institution of higher education or service facility,  
33 provided that such activities and services constitute a part of his course of or her  
34 course of study as a matriculated graduate student in psychology. For individuals  
35 pursuing postdoctoral or post-masters training or experience in psychology, nothing  
36 shall limit the use of a title designating training status, but the Board may develop  
37 rules defining qualified supervision, disclosure of supervisory relationships, frequency  
38 of supervision, settings to which trainees may be assigned, activities in which trainees  
39 may engage, qualifications for trainee status, nature of responsibility assumed by the  
40 supervisor, and the structure, content, and organization of postdoctoral or post-  
41 masters experience."

42 Sec. 5. G.S. 90-270.5 reads as rewritten:

43 "§ 90-270.5. Application; examination; supervision; provisional and temporary  
44 licenses.



1 (a) Except as otherwise exempted by G.S. 90-270.4, persons who are qualified by  
2 education to practice psychology in this State must make application for licensure to  
3 the Board within 30 days of offering to practice or undertaking the practice of  
4 psychology in North Carolina. Applications must then be completed for review by  
5 the Board within the time period stipulated in the duly adopted rules of the Board.  
6 Persons who practice or offer to practice psychology for more than 30 days without  
7 making application for licensure, who fail to complete the application process within  
8 the time period specified by the Board, or who are denied licensure pursuant to G.S.  
9 90-270.11 or G.S. 90-270.15, may not subsequently practice or offer to practice  
10 psychology without first becoming licensed.

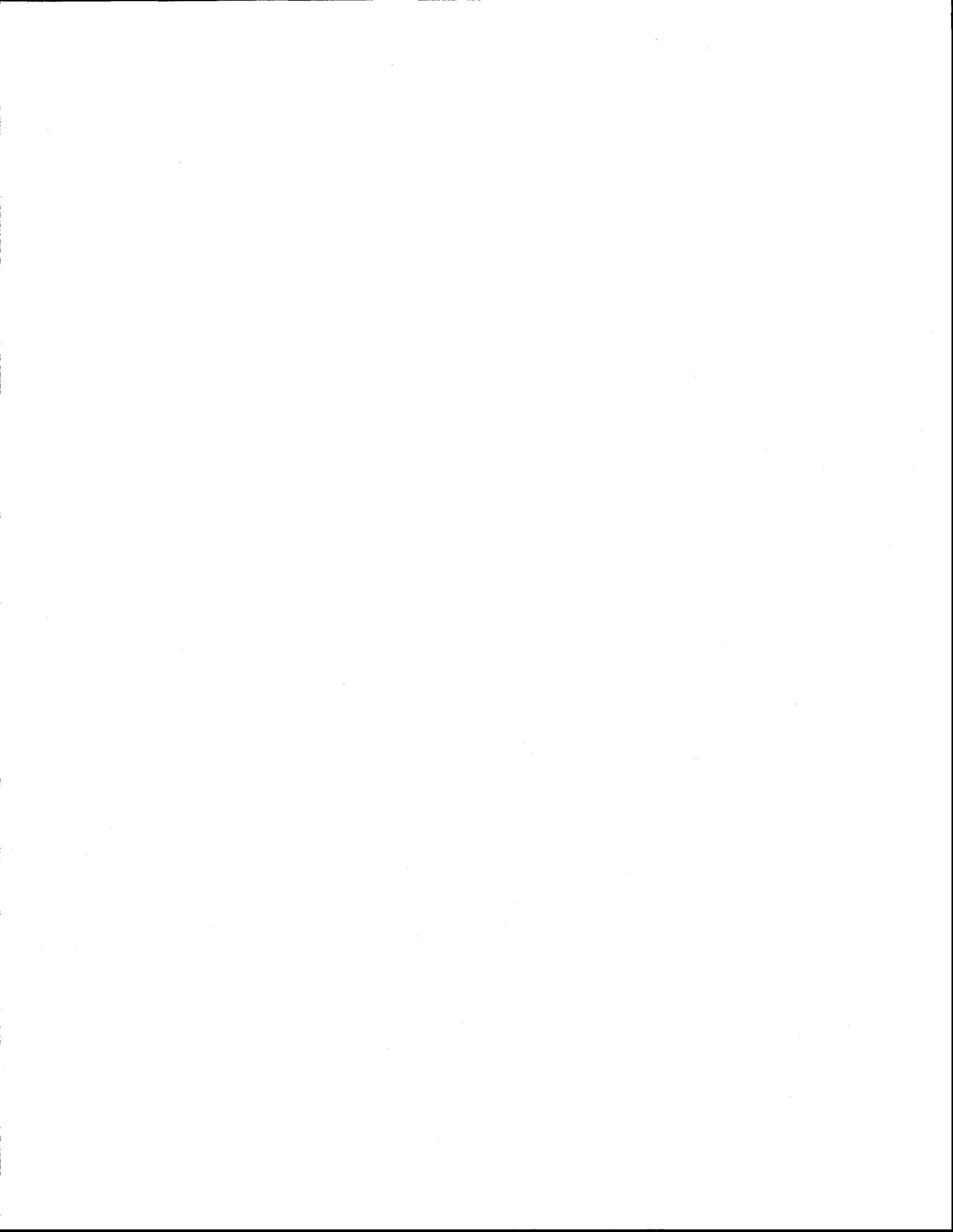
11 (b) After making application for licensure, applicants must take the first  
12 examination to which they are admitted by the Board. If applicants fail the  
13 examination, they may continue to practice psychology until they take the next  
14 examination to which they are admitted by the Board. If applicants fail the second  
15 examination, they shall cease the practice of psychology per G.S. 90-270.4(h), and  
16 may not subsequently practice or offer to practice psychology without first reapplying  
17 for and receiving a license from the Board. An applicant who does not take an  
18 examination on the date prescribed by the Board shall be deemed to have failed that  
19 examination.

20 (c) All individuals who have yet to apply and who are practicing or offering to  
21 practice psychology in North Carolina, and all applicants who are practicing or  
22 offering to practice psychology in North Carolina, shall at all times comply with  
23 supervision requirements established by the Board. The Board shall specify in its  
24 rules the format, setting, content, time frame, amounts of supervision, qualifications of  
25 supervisors, disclosure of supervisory relationships, the organization of the supervised  
26 experience, and the nature of the responsibility assumed by the supervisor.  
27 Individuals shall be supervised for all activities comprising the practice of psychology  
28 until they have met the following conditions:

29 (1) For licensed psychologist applicants, until they have passed the  
30 examination to which they have been admitted by the Board, have  
31 been notified of the results, have completed supervision  
32 requirements specified in subsection (d) of this section, and have  
33 been informed by the Board of permanent licensure as a licensed  
34 psychologist; or

35 (2) For licensed psychological associate applicants, until they have  
36 passed the examination to which they have been admitted by the  
37 Board, have been notified of the results, and have been informed  
38 by the Board of permanent licensure as a licensed psychological  
39 associate, after which time supervision is required only for those  
40 activities specified in subsection (e) of this section.

41 (3) For licensed psychologist-masters applicants, until they have passed  
42 the examination to which they have been admitted by the Board,  
43 have been notified of the results, have completed supervision  
44 requirements specified in subsection (e1) of this section, and have



1           been informed by the Board of permanent licensure as a licensed  
2           psychologist-masters.

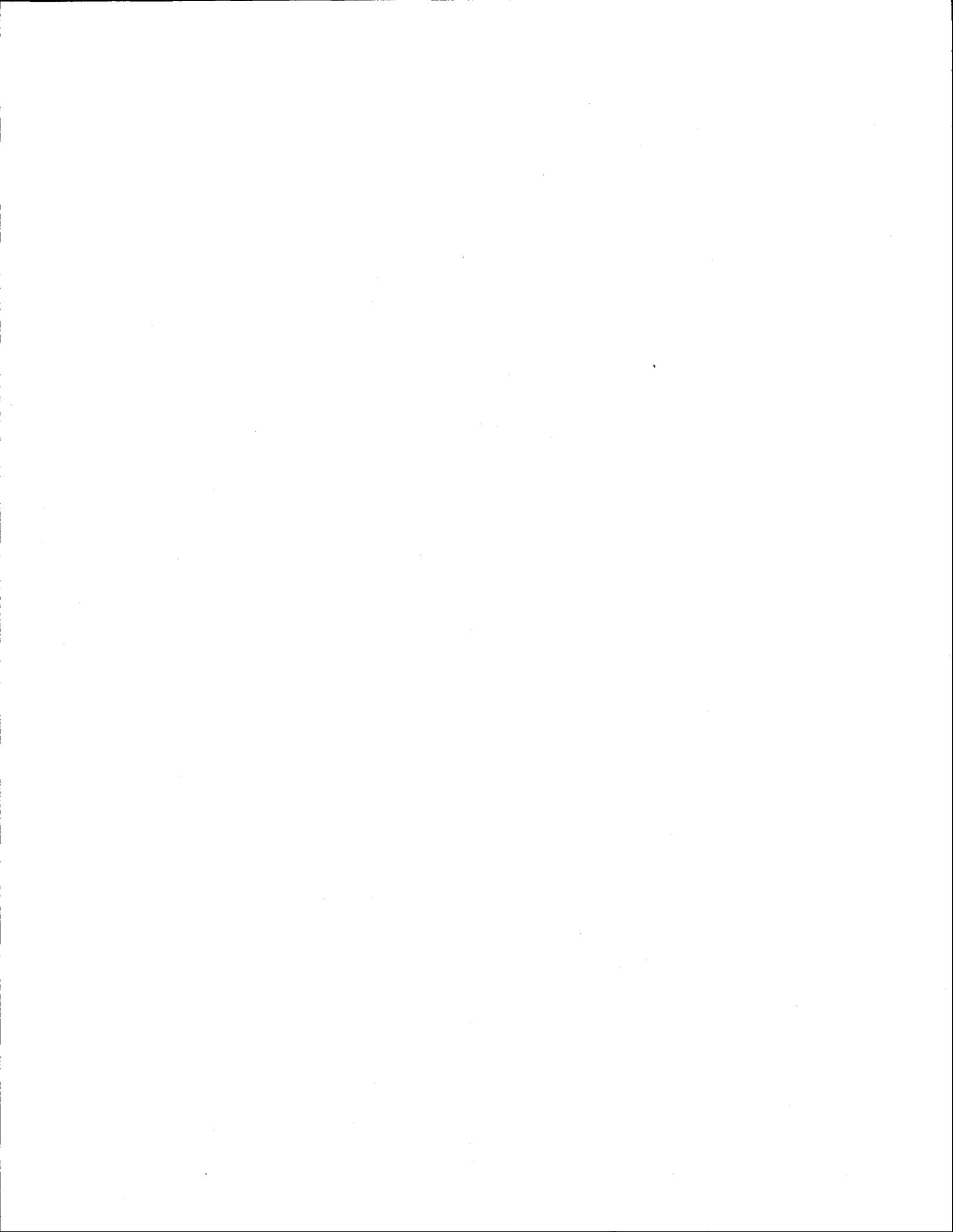
3       (d) For permanent licensure as a licensed psychologist, an otherwise qualified  
4 psychologist must secure two years of acceptable and appropriate supervised  
5 experience germane to his or her training and intended area of practice as a  
6 psychologist. The Board shall permit such supervised experience to be acquired on a  
7 less than full-time basis, and shall additionally specify in its rules the format, setting,  
8 content, time frame, amounts of supervision, qualifications of supervisors, disclosure  
9 of supervisory relationships, the organization of the supervised experience, and the  
10 nature of the responsibility assumed by the supervisor. Supervision of health services  
11 must be received from qualified licensed psychologists holding health services  
12 provider certificates, or from other psychologists recognized by the Board in  
13 accordance with Board rules.

14           (1) One of these years of experience shall be postdoctoral, and for this  
15 year, the Board may require, as specified in its rules, that the  
16 supervised experience be comparable to the knowledge and skills  
17 acquired during formal doctoral or postdoctoral education, in  
18 accordance with established professional standards.

19           (2) One of these years may be predoctoral and the Board shall  
20 establish rules governing appropriate supervised predoctoral  
21 experience.

22           (3) A psychologist who meets all other requirements of G.S.  
23 90-270.11(a) as a licensed psychologist, except the two years of  
24 supervised experience, may be issued a provisional license by the  
25 Board for the practice of psychology. If the psychologist  
26 terminates the supervised experience before the completion of two  
27 years, the Board may place the psychologist on inactive status,  
28 during which time supervision will not be required, and the  
29 practice of psychology or the offer to practice psychology is  
30 prohibited. In the event a licensed psychologist issued a  
31 provisional license under this subsection is placed on inactive  
32 status or is completing the supervised experience on a part-time  
33 basis, the Board may renew the provisional license as necessary  
34 until such time as the psychologist has completed the equivalent of  
35 two years' supervised experience.

36       (e) A licensed psychological associate shall be supervised by a qualified licensed  
37 psychologist, or other qualified professionals, in accordance with Board rules  
38 specifying the format, setting, content, time frame, amounts of supervision,  
39 qualifications of supervisors, disclosure of supervisory relationships, the organization  
40 of the supervised experience, and the nature of the responsibility assumed by the  
41 supervisor. A licensed psychological associate who provides health services shall be  
42 supervised, for those activities requiring supervision, by a qualified licensed  
43 psychologist holding health services provider certification or by other qualified  
44 professionals under the overall direction of a qualified licensed psychologist holding



1 health services provider certification, in accordance with Board rules. Except as  
2 provided below, supervision, including the supervision of health services, is required  
3 only when a licensed psychological associate engages in: assessment of personality  
4 functioning; neuropsychological evaluation; psychotherapy, counseling, and other  
5 interventions with clinical populations for the purpose of preventing or eliminating  
6 symptomatic, maladaptive, or undesired behavior; and, the use of intrusive, punitive,  
7 or experimental procedures, techniques, or measures. The Board shall adopt rules  
8 implementing and defining this provision, and as the practice of psychology evolves,  
9 may identify additional activities requiring supervision in order to maintain  
10 acceptable standards of practice.

11 (e1) For permanent licensure as a licensed psychologist-masters, an otherwise  
12 qualified psychologist holding a masters or specialist degree (M.A., M.S., or Ed.S.)  
13 must secure four years of acceptable and appropriate supervised experience germane  
14 to his or her training and intended area of practice as a psychologist. The Board shall  
15 permit such supervised experience to be acquired on a less than full-time basis, and  
16 shall additionally specify in its rules the format, setting, content, time frame, amounts  
17 of supervision, qualifications of supervisors, disclosure of supervisory relationships,  
18 the organization of the supervision experience, and the nature of the responsibility  
19 assumed by the supervisor. Supervision of health services must be received from  
20 qualified licensed psychologists holding health services provider certificates, or from  
21 other psychologists authorized by the Board in accordance with Board rules. All four  
22 years of supervised experience must be acquired following completion of the masters  
23 degree, and graduate internships will not count towards meeting this supervision  
24 requirement.

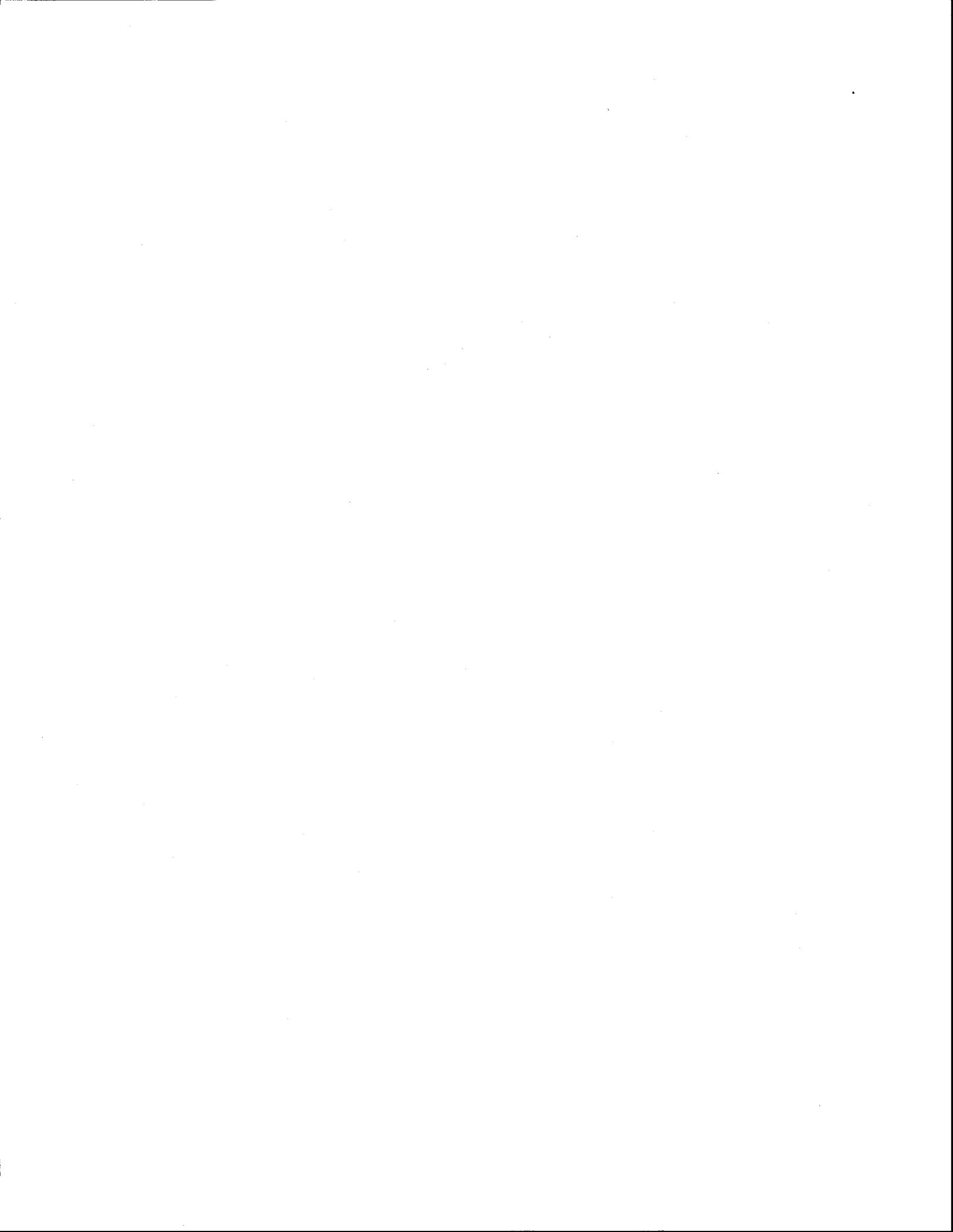
25 (f) A nonresident psychologist who is either licensed or certified by a similar  
26 Board in another jurisdiction whose standards, in the opinion of the Board, are, at  
27 the date of his or her certification or licensure, substantially equivalent to or higher  
28 than the requirements of this Article, may be issued a temporary license by the Board  
29 for the practice of psychology in this State for a period not to exceed the aggregate of  
30 30 days in any calendar year. The Board may issue temporary health services  
31 provider certification simultaneously if the nonresident psychologist can demonstrate  
32 two years of acceptable supervised health services experience. All temporarily  
33 licensed psychologists shall comply with supervision requirements established by the  
34 Board.

35 (g) An applicant for reinstatement of licensure, whose license was suspended  
36 under G.S. 90-270.15(f), may be issued a temporary license and temporary health  
37 services provider certification in accordance with the duly adopted rules of the  
38 Board."

39 Sec. 6. G.S. 90-270.6 reads as rewritten:

40 "**§ 90-270.6. Psychology Board; appointment; term of office; composition.**

41 For the purpose of carrying out the provisions of this Article, there is created a  
42 North Carolina Psychology Board, which shall consist of ~~seven~~ nine members  
43 appointed by the Governor. At all times three members shall be licensed  
44 psychologists; psychologists with a doctorate degree in psychology, two three



1 members shall be licensed ~~psychological associates, psychologist-masters or licensed~~  
2 psychological associates, and ~~two~~ three members shall be members of the public who  
3 are not licensed under this Article. Each member of the Board must reside in a  
4 different congressional district at the time of the appointment. Due consideration  
5 shall also be given to the adequate representation of the various fields and areas of  
6 practice of psychology. Terms of office shall be three years. All terms of service on  
7 the Board expire June 30 in appropriate years. As the term of a licensed psychologist  
8 member with a doctorate degree in psychology expires, or as a vacancy of ~~a~~  
9 ~~psychologist member~~ occurs in that category for any other reason, the North Carolina  
10 ~~Psychological Association, or its successor, Association~~ shall, having sought the advice  
11 of the chairs of the graduate departments of psychology in the State, for each  
12 vacancy, submit to the Governor a list of the names of three eligible ~~persons~~ persons  
13 for each vacancy. As the term of a licensed psychologist-masters or licensed  
14 psychological associate expires or as a vacancy occurs in that category for any other  
15 reason, the professional psychological organization representing the largest number of  
16 licensed psychologist-masters and licensed psychological associates in North Carolina  
17 shall, having sought the advice of the chairs of the graduate departments of  
18 psychology in the State for each vacancy, submit to the Governor a list of the names  
19 of three eligible persons for each vacancy. From this list these lists the Governor  
20 shall make ~~the appointment~~ these appointments, each for a full term, or for the  
21 remainder of the unexpired term, if any. Each Board member shall serve until his or  
22 her successor has been appointed. As the term of a member expires, or if one should  
23 become vacant for any reason, the Governor shall appoint a new member within 60  
24 days of the vacancy's occurring. No member, either public or licensed under this  
25 Article, shall serve more than three complete consecutive terms."

26 Sec. 6.1. G.S. 90-270.7(a) reads as rewritten:

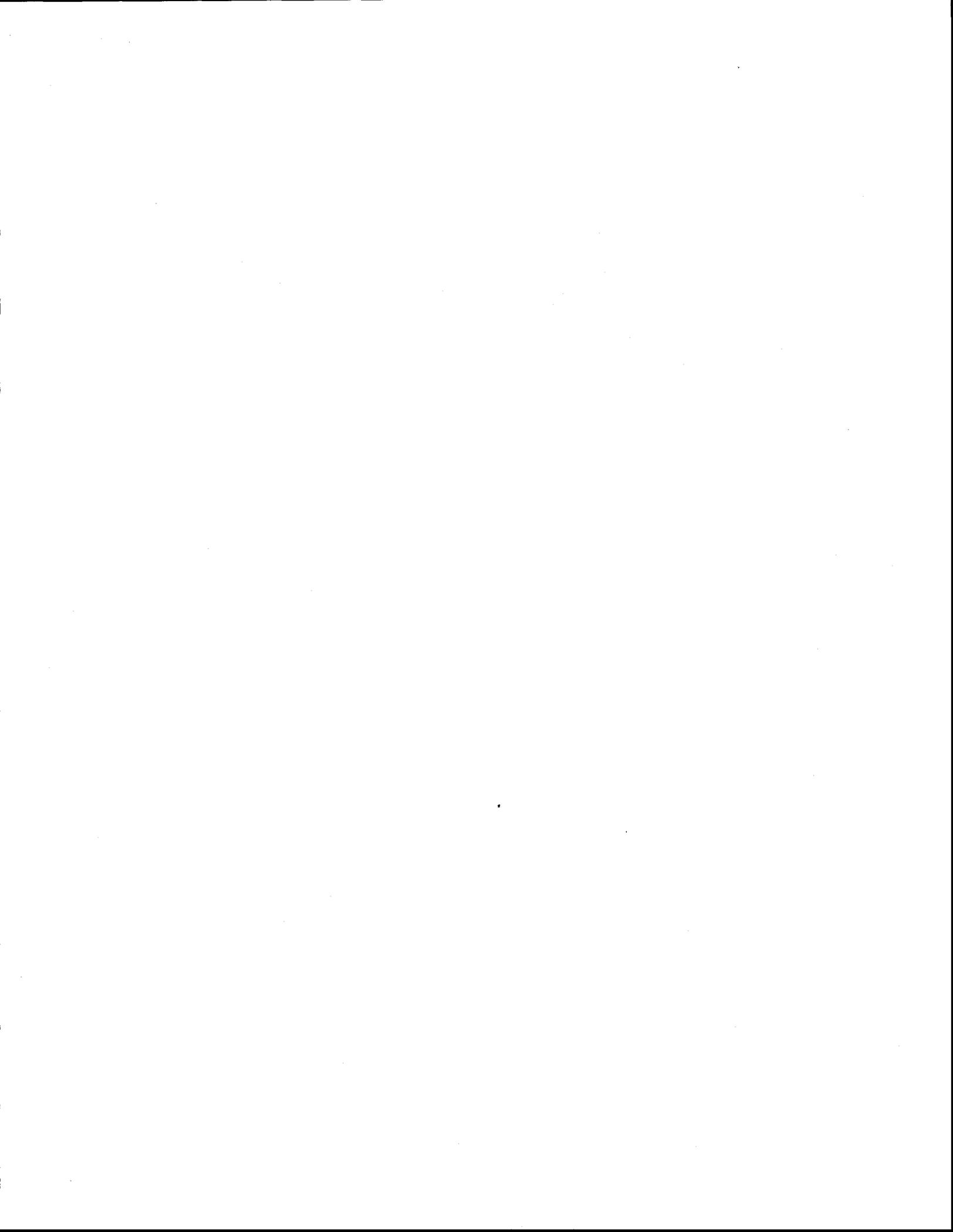
27 "(a) Each licensed ~~psychologist~~ psychologist, licensed psychologist-masters, and  
28 licensed psychological associate member of the Board shall have the following  
29 qualifications:

- 30 (1) Shall be a resident of this State and a citizen of the United States;  
31 (2) Shall be at the time of appointment and shall have been for at least  
32 five years prior thereto, actively engaged in one or more branches  
33 of psychology or in the education and training of master's,  
34 specialist, doctoral, or postdoctoral students of psychology or in  
35 psychological research, and such activity during the two years  
36 preceding appointment shall have occurred primarily in this State.  
37 (3) Shall be free of conflict of interest in performing the duties of the  
38 Board."

39 Sec. 7. G.S. 90-270.10 reads as rewritten:

40 "§ 90-270.10. Annual report.

41 On June 30 of each year, the Board shall submit a report to the Governor of the  
42 Board's activities since the preceding July 1, including the names of all licensed  
43 ~~psychologists and psychologists, licensed psychological associates~~ psychologist-masters,  
44 and licensed psychological associates to whom licenses have been granted under this



1 Article, any cases heard and decisions rendered in matters before the Board, the  
2 recommendations of the Board as to future actions and policies, and a financial  
3 report. Each member of the Board shall review and sign the report before its  
4 submission to the Governor. Any Board member shall have the right to record a  
5 dissenting view."

6 Sec. 8. G.S. 90-270.11 reads as rewritten:

7 "**§ 90-270.11. Licensure; examination; foreign graduates.**

8 (a) Licensed Psychologist. -- The Board shall issue a permanent license to practice  
9 psychology to any applicant who pays an application fee and any applicable  
10 examination fee as specified in G.S. 90-270.18(b), who who passes an examination in  
11 psychology as prescribed by the Board, and who submits evidence verified by oath  
12 and satisfactory to the Board that he or she:

13 (1) Is at least 18 years of age;

14 (2) Is of good moral character;

15 (3) Has received a doctoral degree based on a planned and directed  
16 program of studies in psychology from an institution of higher  
17 education. The degree program, wherever administratively  
18 housed, must be publicly identified and clearly labeled as a  
19 psychology program. The Board shall adopt rules implementing  
20 and defining these provisions, including, but not limited to, such  
21 factors as residence in the educational program, internship and  
22 related field experiences, number of course credits, course content,  
23 numbers and qualifications of faculty, and program identification  
24 and identity.

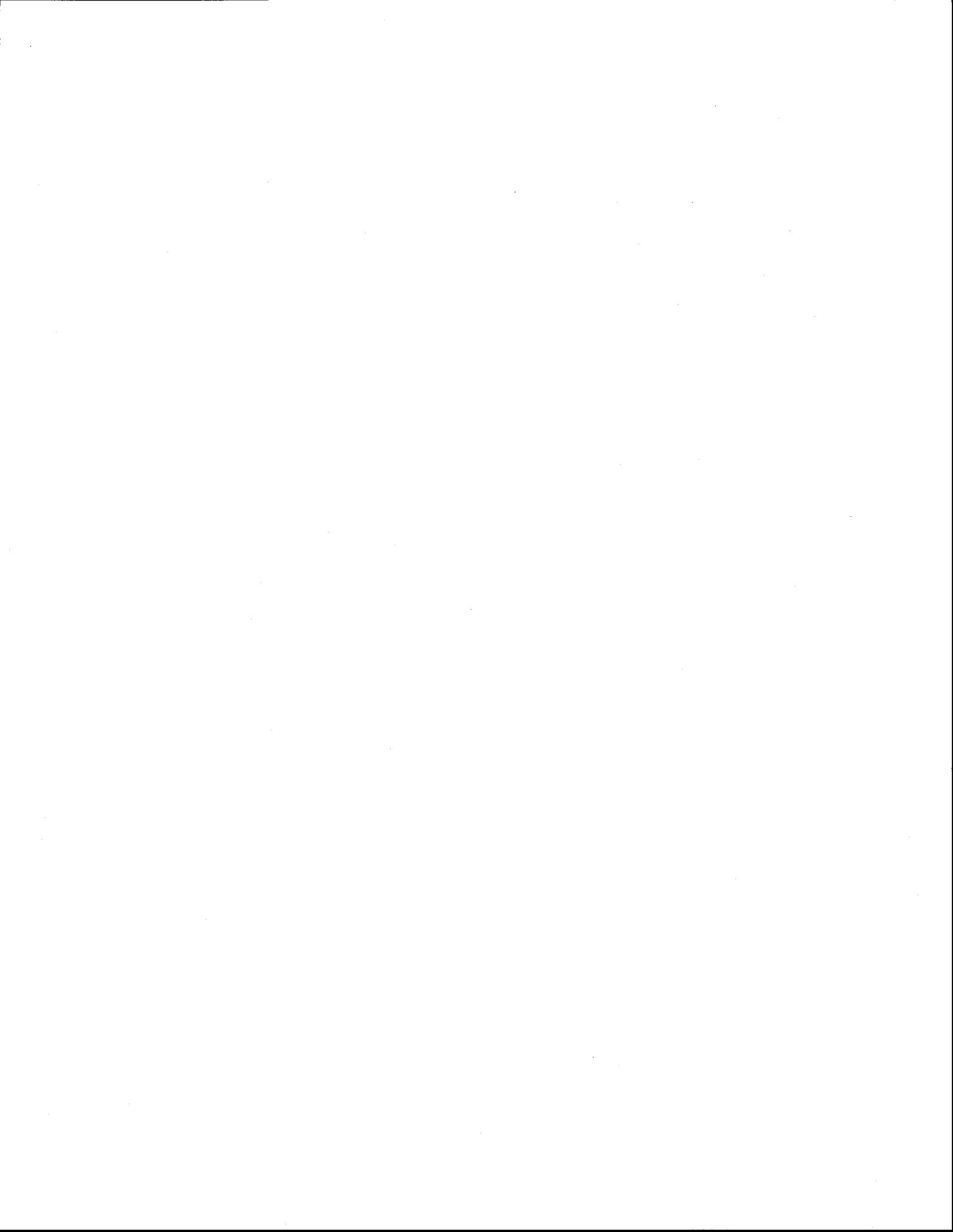
25 (4) Has had at least two years of acceptable and appropriate  
26 supervised experience germane to his or her training and intended  
27 area of practice as a psychologist as specified in G.S. 90-270.5(d).

28 (a1) Licensed Psychologist-Masters. -- The Board shall issue a permanent license  
29 to practice psychology to any applicant who pays an application fee and any  
30 applicable examination fee as specified in G.S. 90-270.18(b), who passes an  
31 examination in psychology as prescribed by the Board, and who submits evidence  
32 verified by oath and satisfactory to the Board that he or she:

33 (1) Is at least 18 years of age;

34 (2) Is of good moral character;

35 (3) Has received a masters or specialist degree based on a planned and  
36 directed program of studies in psychology from an institution of  
37 higher education. The degree program, wherever administratively  
38 housed, must be publicly identified and clearly labeled as a  
39 psychology program. The Board shall adopt rules implementing  
40 and defining these provisions, including, but not limited to, such  
41 factors as residence in the educational program, internship and  
42 related field experiences, number of course credits, course content,  
43 numbers and qualifications of faculty, and program identification  
44 and identity;



1           (4) Has had at least four years of acceptable and appropriate  
2           supervised experience germane to his or her training and intended  
3           area of practice as a psychologist as specified in G.S. 90-270.5(e);

4           (5) Has passed the national examination in psychology at the licensed  
5           psychologist passing point.

6       Notwithstanding the provisions of this subsection, the Board shall adopt rules  
7       implementing a transition provision whereby any licensed psychological associate in  
8       good standing may apply for a license to practice psychology as a licensed  
9       psychologist-masters (M.A., M.S., or Ed. S.) if application for such is made to the  
10       Board by June 30, 1996. These rules shall define criteria, including, but not limited  
11       to, combinations of graduate course work and years of experience that shall be  
12       deemed satisfactory to meet all requirements for licensure as a licensed psychologist-  
13       masters.

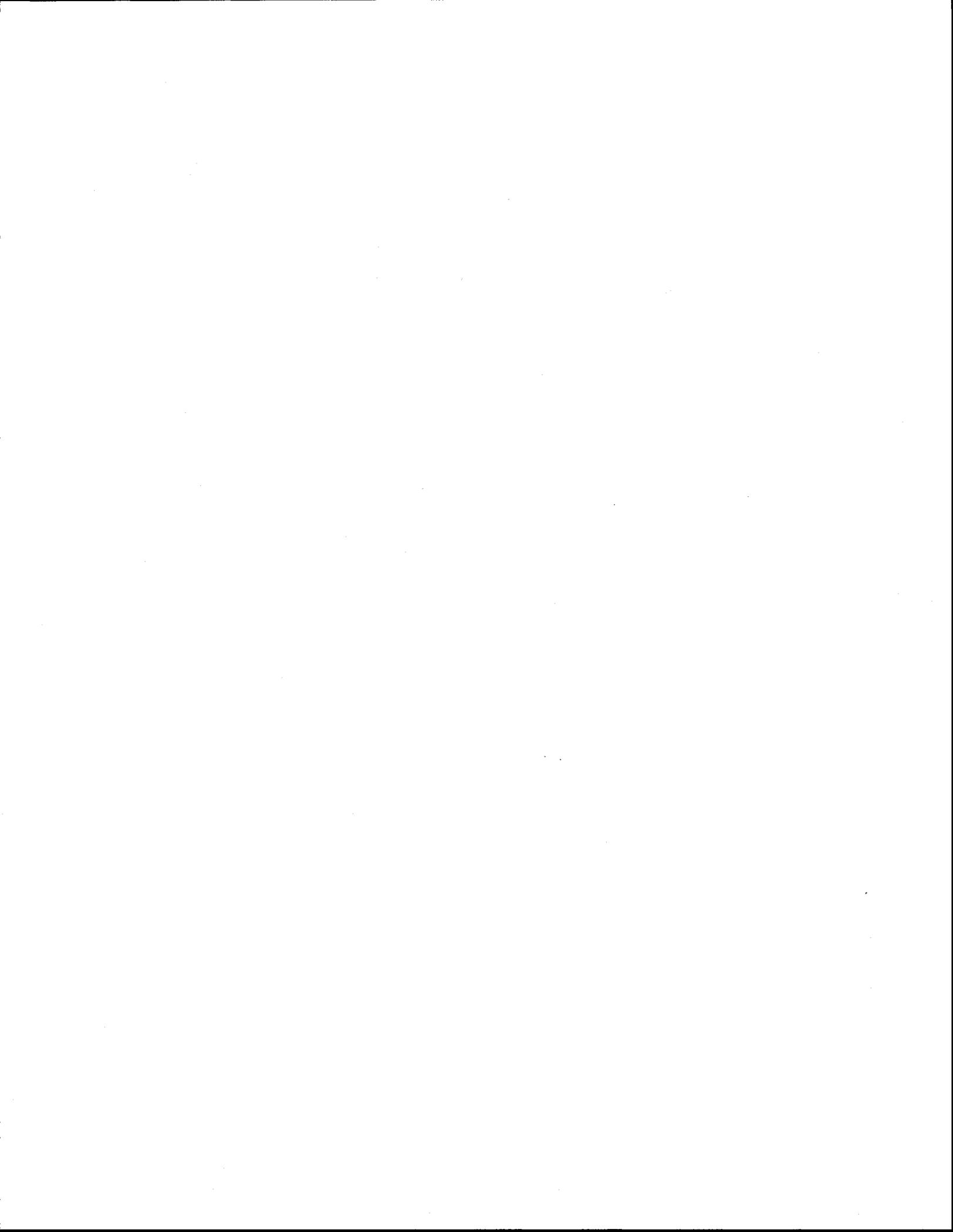
14       (b) Licensed Psychological Associate. --

15           (1) The Board shall issue a permanent license to practice psychology  
16           to any applicant who pays an application fee and any applicable  
17           examination fee as specified in G.S. 90-270.18(b), who passes an  
18           examination in psychology as prescribed by the Board, and who  
19           submits evidence verified by oath and satisfactory to the Board that  
20           he or she:

- 21           a. Is at least 18 years of age;  
22           b. Is of good moral character;  
23           c. Has received a master's degree in psychology or a specialist  
24           degree in psychology from an institution of higher  
25           education. The degree program, wherever administratively  
26           housed, must be publicly identified and clearly labeled as a  
27           psychology program. The Board shall adopt rules  
28           implementing and defining these provisions, including, but  
29           not limited to, such factors as residence in the program,  
30           internship and related field experiences, number of course  
31           credits, course content, numbers and qualifications of  
32           faculty, and program identification and identity.

33           (2) Notwithstanding the provisions of this subsection, a licensed  
34           psychologist applicant who has met all requirements for licensure  
35           except passing the examination at the licensed psychologist level,  
36           may be issued a license as a licensed psychological associate  
37           without having a master's degree or specialist degree in psychology  
38           if the applicant passes the examination at the licensed  
39           psychological associate level.

40       (c) Foreign Graduates. -- Applicants trained in institutions outside the United  
41       States, applying for licensure at either the licensed psychologist or licensed  
42       ~~psychological associate~~ psychologist-masters or licensed psychological associate level,  
43       must show satisfactory evidence of training and degrees substantially equivalent to



1 those required of applicants trained within the United States, pursuant to Board rules  
2 and regulations.

3 (d) Prior Licensure. -- A person who is licensed in good standing as a licensed  
4 practicing psychologist or psychological associate under the provisions of the  
5 Practicing Psychologist Licensing Act in effect immediately prior to the ratification of  
6 this Psychology Practice Act shall be deemed, as of October 1, 1993 to have met all  
7 requirements for licensure under this act and shall be eligible for renewal of licensure  
8 in accordance with the provisions of this act."

9 Sec. 9. G.S. 90-270.15(a)(9) reads as rewritten:

10 "(9) For a licensed ~~psychologist, psychologist or psychologist-masters,~~  
11 has provided health services without health services provider  
12 certification;".

13 Sec. 10. G.S. 90-270.16(a) reads as rewritten:

14 "(a) Except as permitted in G.S. 90-270.4 and G.S. 90-270.5, it shall be a violation  
15 of this Article for any person not licensed in accordance with the provisions of this  
16 Article to represent himself or herself as a psychologist, licensed psychologist,  
17 licensed psychological associate, licensed psychologist-masters, or health services  
18 provider in psychology."

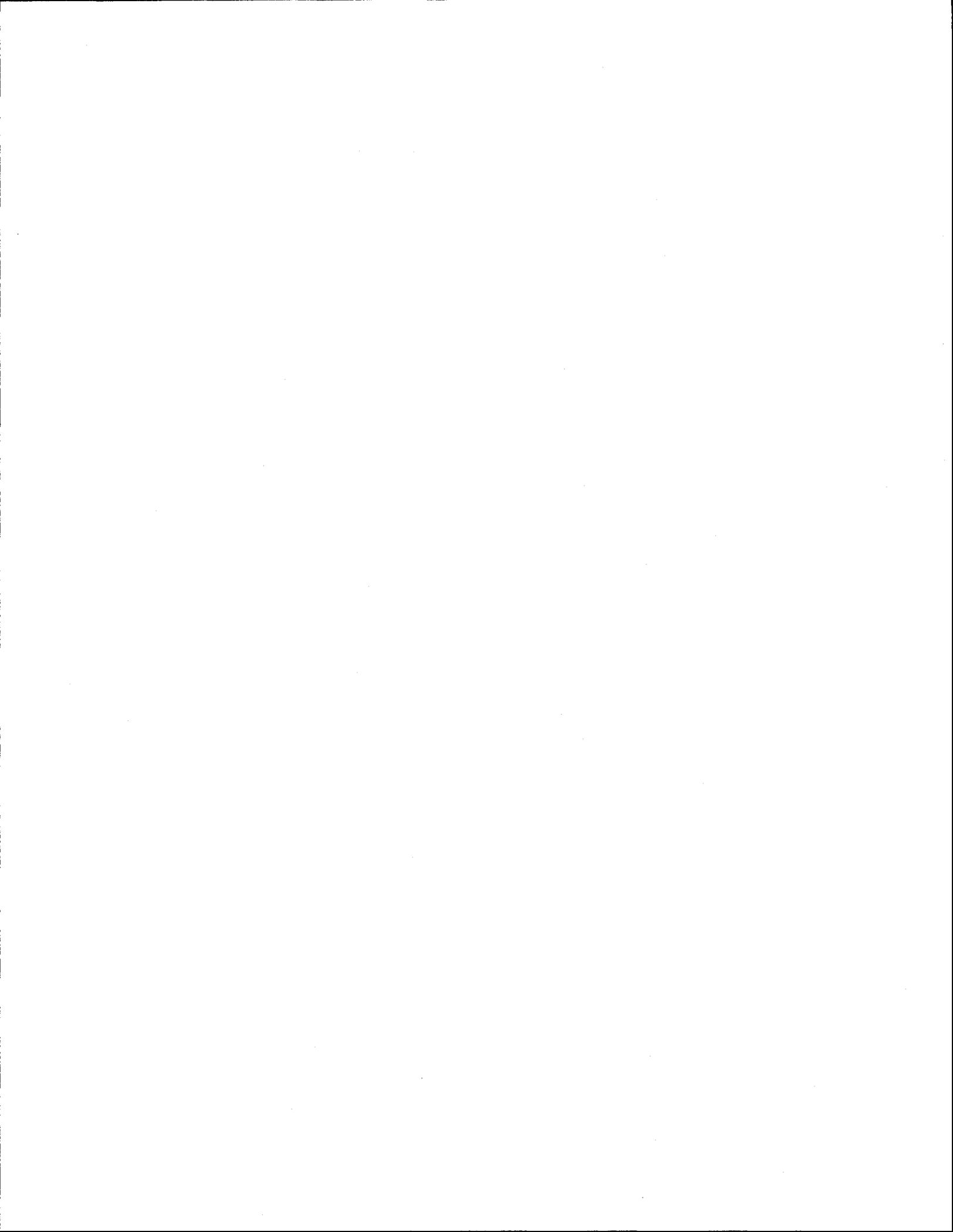
19 Sec. 11. G.S. 90-270.18(b) reads as rewritten:

20 "(b) Fees for activities specified by this Article are as follows:

- 21 (1) Application fees for licensed ~~psychologists and psychologists,~~  
22 licensed ~~psychological associates~~ psychologist-masters, and licensed  
23 psychological associates per G.S. 90-270.11(a) and (b)(1), or G.S.  
24 90-270.13, shall not exceed one hundred dollars (\$100.00).
- 25 (2) Fees for the national written examination shall be the cost of the  
26 examination to the Board plus an additional fee not to exceed fifty  
27 dollars (\$50.00).
- 28 (3) Fees for additional examinations shall be as prescribed by the  
29 Board.
- 30 (4) Fees for the renewal of licenses, per G.S. 90-270.14(a)(1), shall not  
31 exceed two hundred fifty dollars (\$250.00) per biennium. This fee  
32 may not be prorated.
- 33 (5) Late fees for license renewal, per G.S. 90-270.14(a)(1), shall be  
34 twenty-five dollars (\$25.00).
- 35 (6) Fees for the reinstatement of a license, per G.S. 90-270.15(f), shall  
36 not exceed one hundred dollars (\$100.00).
- 37 (7) Fees for a duplicate license, per G.S. 90-270.14(b), shall be twenty-  
38 five dollars (\$25.00).
- 39 (8) Fees for a temporary license, per G.S. 90-270.5(f) and 90-270.5(g),  
40 shall be twenty-five dollars (\$25.00).
- 41 (9) Application fees for a health services provider certificate, per G.S.  
42 90-270.20, shall be fifty dollars (\$50.00)."

43 Sec. 12. G.S. 90-270.20 reads as rewritten:

44 "§ 90-270.20. Provision of health services; certification as health services provider.



1 (a) Health services, as defined in G.S. 90-270.2(4) and G.S. 90-270.2(8), may be  
2 provided by qualified licensed psychological associates, qualified licensed  
3 psychologist-masters, qualified licensed psychologists holding provisional, temporary,  
4 or permanent licenses, or qualified applicants. Qualified licensed psychological  
5 associates, qualified licensed psychologist-masters holding temporary licenses,  
6 qualified licensed psychologists holding provisional or temporary licenses, or qualified  
7 applicants may provide health services only under supervision as specified in the duly  
8 adopted rules of the Board.

9 (b) After January 1, 1995, any licensed psychologist who is qualified by education,  
10 who holds permanent licensure and a doctoral degree, and who provides or offers to  
11 provide health services to the public must be certified as a health services provider  
12 psychologist (HSP-P) by the Board. The Board shall certify as health services  
13 provider psychologists those applicants who shall demonstrate at least two years of  
14 acceptable supervised health services experience, of which at least one year is  
15 postdoctoral. The Board shall specify the format, setting, content, and organization of  
16 the supervised health services experience or program. The Board may, upon  
17 verification of supervised experience and the meeting of all requirements as a  
18 licensed psychologist, issue the license and certificate simultaneously. An application  
19 fee, as specified in G.S. 90-270.18(b)(9), must be paid.

20 (b1) After June 30, 1996, any licensed psychologist-masters who is qualified by  
21 education, who holds permanent licensure and a masters or specialist degree, and  
22 who provides or offers to provide health services to the public must be certified as a  
23 health services provider psychologist-masters (HSP-PM) by the Board. The Board  
24 shall certify as health services providers those applicants who shall demonstrate at  
25 least two years of acceptable supervised health services experience, of which all is  
26 post-masters. The Board shall specify the format, setting, content, and organization of  
27 the supervised health services experience or program. The Board may, upon  
28 verification of supervised experience and the meeting of all the requirements as a  
29 psychologist-masters, issue the license and certificate simultaneously. An application  
30 fee, as specified in G.S. 90-270.18(b)(9), must be paid.

31 (c) After January 1, 1995, any licensed psychological associate who is qualified by  
32 education may be granted certification as a health services provider psychological  
33 associate (HSP-PA). The Board may, upon verification of qualifications and the  
34 meeting of all requirements as a licensed psychological associate, issue the license and  
35 certificate simultaneously. An application fee, as specified in G.S. 90-270.18(b)(9),  
36 must be paid.

37 (d) After January 1, 1995, any licensed psychologist holding a provisional license  
38 who is qualified by education may be granted certification as a health services  
39 provider psychologist (provisional) (HSP-PP) by the Board. The Board may, upon  
40 verification of qualifications and the meeting of all requirements for a provisional  
41 license, issue the license and certificate simultaneously. An application fee, as  
42 specified in G.S. 90-270.18(b)(9), must be paid.

43 ~~(e) Notwithstanding the provisions of subsection (b) of this section, if application~~  
44 ~~is made to the Board before June 30, 1994, by a licensed psychologist who is listed in~~



1 ~~the National Register of Health Services Providers in Psychology, or who holds~~  
2 ~~permanent licensure and who can demonstrate that he or she has been engaged~~  
3 ~~acceptably in the provision of health services for two years or its equivalent, that~~  
4 ~~licensed psychologist shall be certified as a health services provider psychologist. The~~  
5 ~~applicant, in order to demonstrate two years of acceptable experience or its~~  
6 ~~equivalent, must meet one of the following conditions:~~

7           (1) ~~The applicant is a diplomate in good standing of the American~~  
8 ~~Board of Professional Psychology in any of the areas of~~  
9 ~~professional practice deemed appropriate by the Board;~~

10           (2) ~~The applicant has the equivalent of two years of acceptable~~  
11 ~~full-time experience, one of which was postdoctoral, at sites where~~  
12 ~~health services are provided;~~

13           (3) ~~The applicant submits evidence satisfactory to the Board~~  
14 ~~demonstrating that he or she has been engaged acceptably for the~~  
15 ~~equivalent of at least two years full-time in the provision of health~~  
16 ~~services; or~~

17           (4) ~~Any other conditions that the Board may deem acceptable.~~

18 ~~(f) Notwithstanding the provisions of subsection (e) of this section, if application is~~  
19 ~~made to the Board before June 30, 1994, by a licensed psychological associate who~~  
20 ~~can demonstrate that he or she has been engaged acceptably in the provision of~~  
21 ~~health services under supervision for two years or its equivalent, that licensed~~  
22 ~~psychological associate shall be certified as a health services provider psychological~~  
23 ~~associate.~~

24 (g) The Board shall have the authority to deny, revoke, or suspend the health  
25 services provider certificate issued pursuant to these subsections upon a finding that  
26 the psychologist has not behaved in conformity with the ethical and professional  
27 standards prescribed in G.S. 90-270.15."

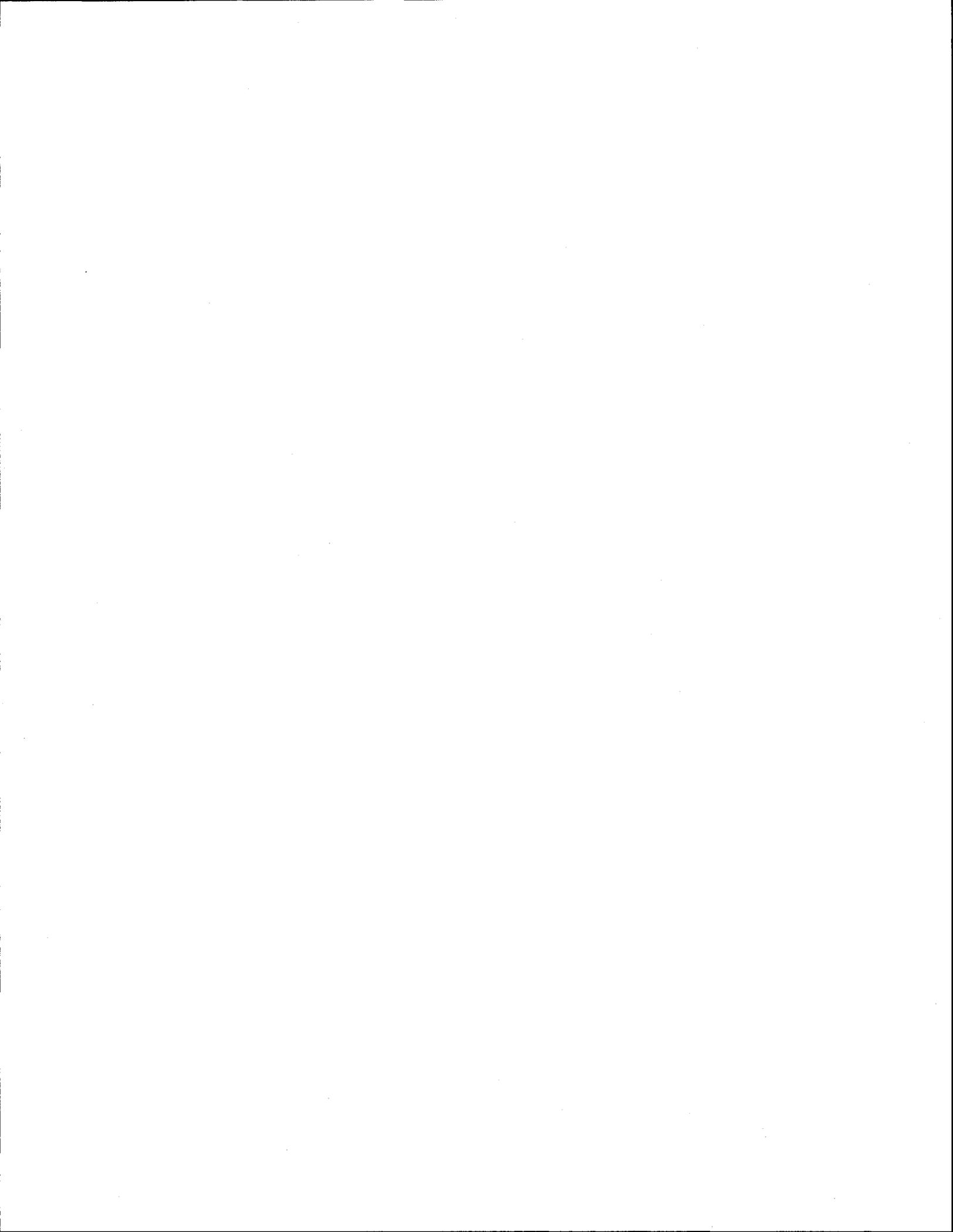
28           Sec. 13. G.S. 58-50-30(b) reads as rewritten:

29           "(b) For the purposes of this section, a 'duly licensed psychologist' shall be  
30 defined only to include a psychologist who is duly licensed in the State of North  
31 Carolina and has a doctorate degree in psychology and at least two years clinical  
32 experience in a recognized health setting, or has met the standards of the National  
33 Register of Health Service Providers in Psychology. After January 1, 1995, a duly  
34 licensed psychologist shall be defined as a licensed psychologist or a licensed  
35 psychologist-masters who holds permanent licensure and certification as a health  
36 services provider psychologist or health services provider psychologist-masters issued  
37 by the North Carolina Psychology Board."

38           Sec. 14. G.S. 58-65-1(c) reads as rewritten:

39           "(c) For purposes of this section, an 'advanced practice registered nurse' means  
40 only a registered nurse who is duly licensed or certified as a nurse practitioner,  
41 clinical specialist in psychiatric and mental health nursing, or nurse midwife.

42           For the purposes of this section, a 'duly certified clinical social worker' is a  
43 'certified clinical social worker' as defined in G.S. 90B-3(2) and certified by the



1 North Carolina Certification Board for Social Work pursuant to Chapter 90B of the  
2 General Statutes.

3 For the purposes of this section, a 'duly licensed psychologist' shall be defined  
4 only to include a psychologist who is duly licensed in the State of North Carolina and  
5 has a doctorate degree in psychology and at least two years clinical experience in a  
6 recognized health setting, or has met the standards of the National Register of Health  
7 Providers in Psychology. After January 1, 1995, a duly licensed psychologist shall be  
8 defined as a licensed psychologist or licensed psychologist-masters who holds  
9 permanent licensure and certification as a health services provider psychologist or  
10 health services provider psychologist-masters issued by the North Carolina Psychology  
11 Board.

12 The term 'dental service plan' as used in this Article and Article 66 of this  
13 Chapter includes contracting for the payment of fees toward, or furnishing of dental  
14 and/or any other professional services authorized or permitted to be furnished by a  
15 duly licensed dentist.

16 The insured or beneficiary of every 'medical service plan' and of every 'dental  
17 service plan,' as those terms are used in this Article and Article 66 of this Chapter, or  
18 of any policy of insurance issued thereunder, that includes services which are within  
19 the scope of practice of both a duly licensed physician and a duly licensed dentist  
20 shall have the right to choose the provider of such care or service, and shall be  
21 entitled to payment of or reimbursement for such care or service, whether the  
22 provider be a duly licensed physician or a duly licensed dentist notwithstanding any  
23 provision to the contrary contained in any such plan or policy.

24 The term 'hospital service corporation' as used in this Article and Article 66 of  
25 this Chapter is intended to mean any nonprofit corporation operating a hospital  
26 and/or medical and/or dental service plan, as herein defined. Any corporation  
27 heretofore or hereafter organized and coming within the provisions of this Article  
28 and Article 66 of this Chapter, the certificate of incorporation of which authorizes the  
29 operation of either a hospital or medical and/or dental service plan, or any or all of  
30 them, may, with the approval of the Commissioner of Insurance, issue subscribers'  
31 contracts or certificates approved by the Commissioner of Insurance, for the payment  
32 of either hospital or medical and/or dental fees, or the furnishing of such services, or  
33 any or all of them, and may enter into contracts with hospitals for physicians and/or  
34 dentists, or any or all of them, for the furnishing of fees or services respectively under  
35 a hospital or medical and/or dental service plan, or any or all of them.

36 The term 'preferred provider' as used in this Article and Article 66 of this Chapter  
37 with respect to contracts, organizations, policies or otherwise means a health care  
38 service provider who has agreed to accept, from a corporation organized for the  
39 purposes authorized by this Article and Article 66 of this Chapter or other applicable  
40 law, special reimbursement terms in exchange for providing services to beneficiaries  
41 of a plan administered pursuant to this Article and Article 66 of this Chapter. Except  
42 to the extent prohibited either by G.S. 58-65-140 or by regulations promulgated by  
43 the Department of Insurance not inconsistent with this Article and Article 66 of this



1 Chapter, the contractual terms and conditions for special reimbursement shall be  
2 those which the corporation and preferred provider find to be mutually agreeable."

3 Sec. 15. G.S. 58-65-75(d) reads as rewritten:

4 "(d) Provisions for benefits for necessary care and treatment of chemical  
5 dependency in group certificates or group contracts shall provide for benefit  
6 payments for the following providers of necessary care and treatment of chemical  
7 dependency:

8 (1) The following units of a general hospital licensed under Article 5  
9 of General Statutes Chapter 131E:

10 a. Chemical dependency units in facilities licensed after  
11 October 1, 1984;

12 b. Medical units;

13 c. Psychiatric units; and

14 (2) The following facilities or programs licensed after July 1, 1984,  
15 under Article 2 of General Statutes Chapter 122C:

16 a. Chemical dependency units in psychiatric hospitals;

17 b. Chemical dependency hospitals;

18 c. Residential chemical dependency treatment facilities;

19 d. Social setting detoxification facilities or programs;

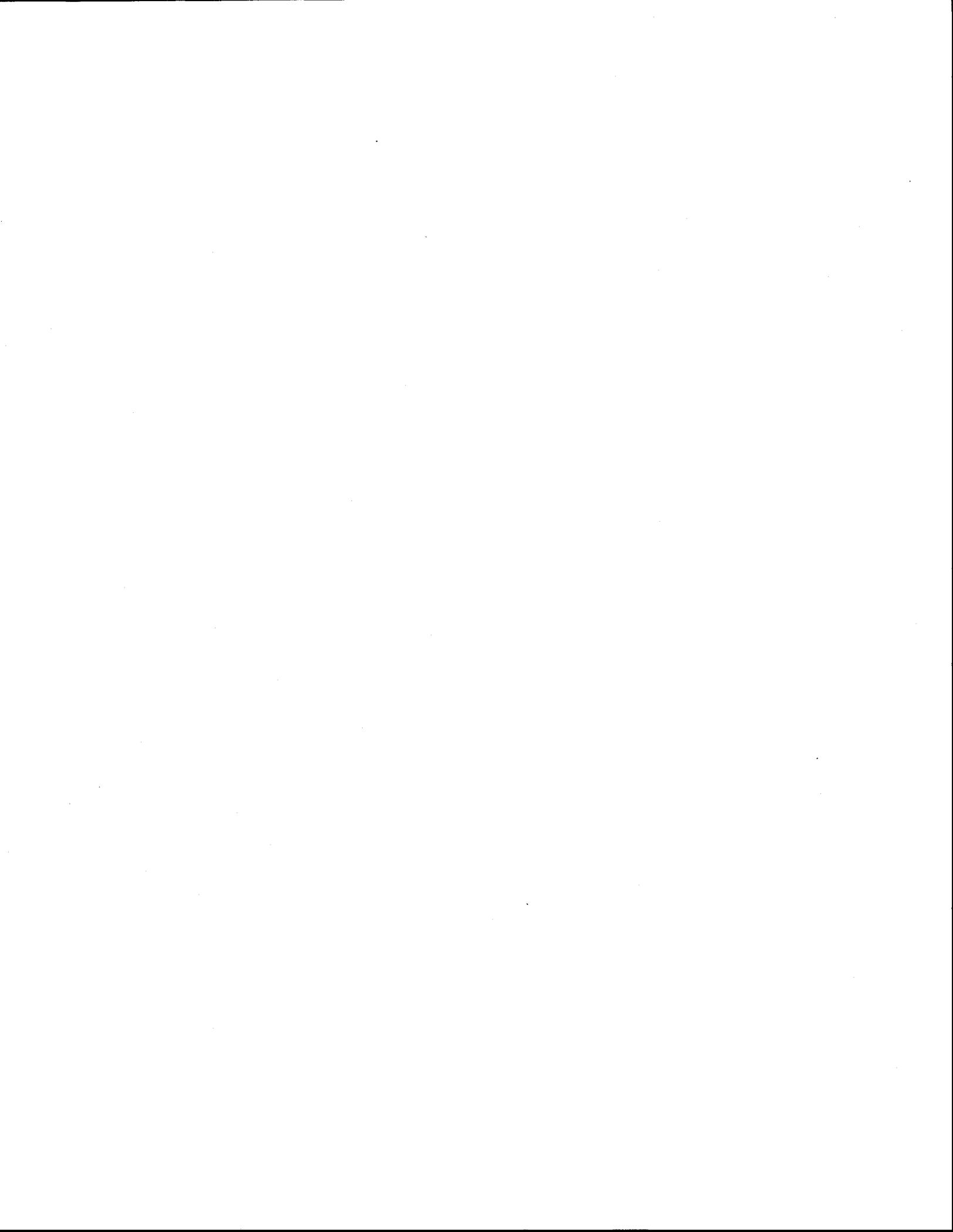
20 e. Medical detoxification facilities or programs; and

21 (3) Duly licensed physicians and duly licensed psychologists and  
22 certified professionals working under the direct supervision of such  
23 physicians or psychologists in facilities described in (1) and (2)  
24 above and in day/night programs or outpatient treatment facilities  
25 licensed after July 1, 1984, under Article 2 of General Statutes  
26 Chapter 122C. ~~After January 1, 1995, "duly licensed~~  
27 ~~psychologists" shall be defined as licensed psychologists who hold~~  
28 ~~permanent licensure and certification as health services provider~~  
29 ~~psychologist issued by the North Carolina Psychology Board. After~~  
30 January 1, 1995, a 'duly licensed psychologist' shall be defined as a  
31 licensed psychologist or a licensed psychologist-masters who holds  
32 permanent licensure and certification as a health services provider  
33 psychologist or health services provider psychologist-masters issued  
34 by the North Carolina Psychologist Board.

35 Provided, however, that nothing in this subsection shall prohibit any certificate or  
36 contract from requiring the most cost effective treatment setting to be utilized by the  
37 person undergoing necessary care and treatment for chemical dependency."

38 Sec. 16. G.S. 122C-3(13b) reads as rewritten:

39 "(13b) 'Eligible psychologist' means a licensed psychologist who has at  
40 least two years' clinical experience. After January 1, 1995,  
41 "eligible psychologist" means a licensed psychologist or a licensed  
42 psychologist-masters who holds permanent licensure and  
43 certification as a health services provider psychologist or health



1           services provider psychologist-masters issued by the North Carolina  
2           Psychology Board."

3           Sec. 17. G.S. 135-40-7A(c) reads as rewritten:

4           "(c) Notwithstanding any other provision of this Part, provisions for benefits for  
5           necessary care and treatment of chemical dependency under this Part shall provide  
6           for benefit payments for the following providers of necessary care and treatment of  
7           chemical dependency:

8           (1)    The following units of a general hospital licensed under Article 5  
9           of General Statutes Chapter 131E:

- 10           a.    Chemical dependency units in facilities licensed after  
11           October 1, 1984;  
12           b.    Medical units;  
13           c.    Psychiatric units; and

14           (2)    The following facilities licensed after July 1, 1984, under Article 2  
15           of General Statutes Chapter 122C:

- 16           a.    Chemical dependency units in psychiatric hospitals;  
17           b.    Chemical dependency hospitals;  
18           c.    Residential chemical dependency treatment facilities;  
19           d.    Social setting detoxification facilities or programs;  
20           e.    Medical detoxification facilities or programs; and

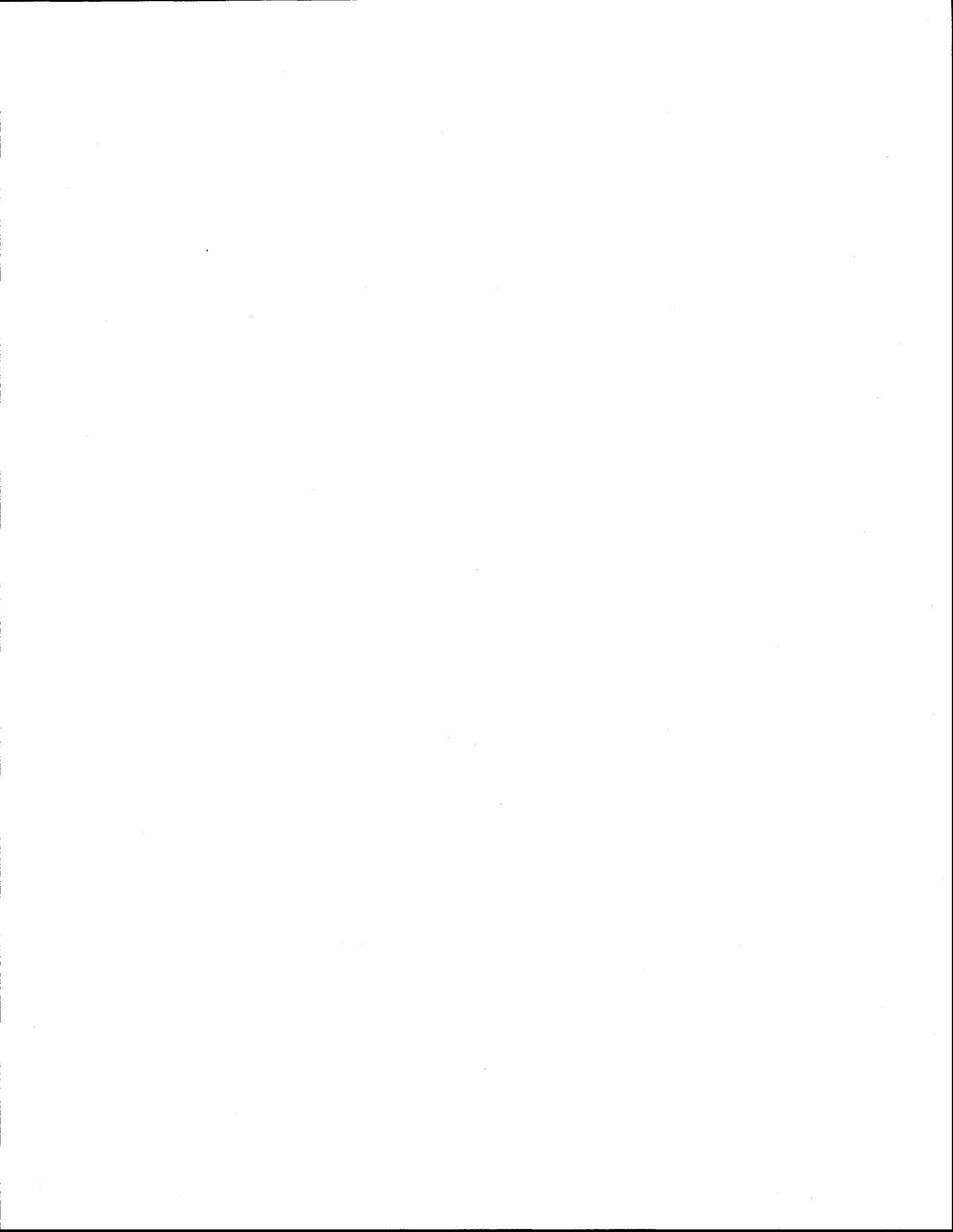
21           (3)    Duly licensed physicians and duly licensed practicing psychologists,  
22           duly licensed psychologist-masters, certified clinical social workers,  
23           certified clinical specialists in psychiatric and mental health  
24           nursing, and certified professionals working under the direct  
25           supervision of such physicians or psychologists in facilities  
26           described in (1) and (2) above and in day/night programs or  
27           outpatient treatment facilities licensed after July 1, 1984, under  
28           Article 2 of General Statutes Chapter 122C.

29    Provided, however, that nothing in this subsection shall prohibit the Plan from  
30    requiring the most cost effective treatment setting to be utilized by the person  
31    undergoing necessary care and treatment for chemical dependency."

32           Sec. 18. G.S. 135-40.7B(c) reads as rewritten:

33           "(c) Notwithstanding any other provisions of this Part, the following providers are  
34           authorized to provide necessary care and treatment for mental illness under this  
35           section:

- 36           (1)    Licensed psychiatrists;  
37           (2)    Licensed or certified doctors of psychology;  
38           (3)    Certified clinical social workers;  
39           (4)    Psychiatric nurses;  
40           (5)    Other social workers under the direct employment and supervision  
41           of a licensed psychiatrist or licensed doctor of psychology;  
42           (6)    Psychological associates with a master's degree in psychology  
43           under the direct employment and supervision of a licensed  
44           psychiatrist or licensed or certified doctor of psychology;



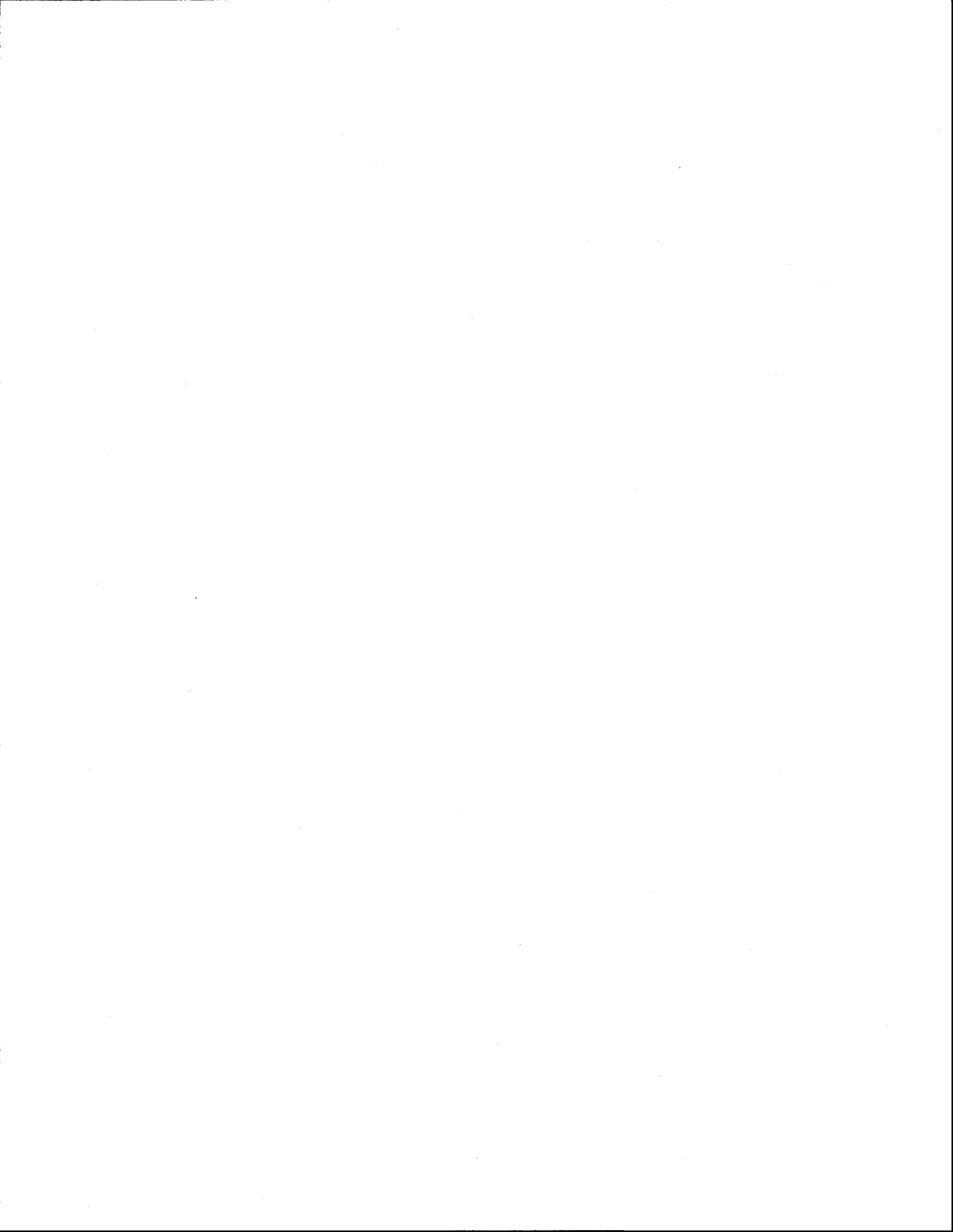
1           (6.1) Duly licensed psychologist-masters who hold permanent licensure  
2           and certification as health service provider psychologist-masters  
3           issued by the North Carolina Psychology Board;

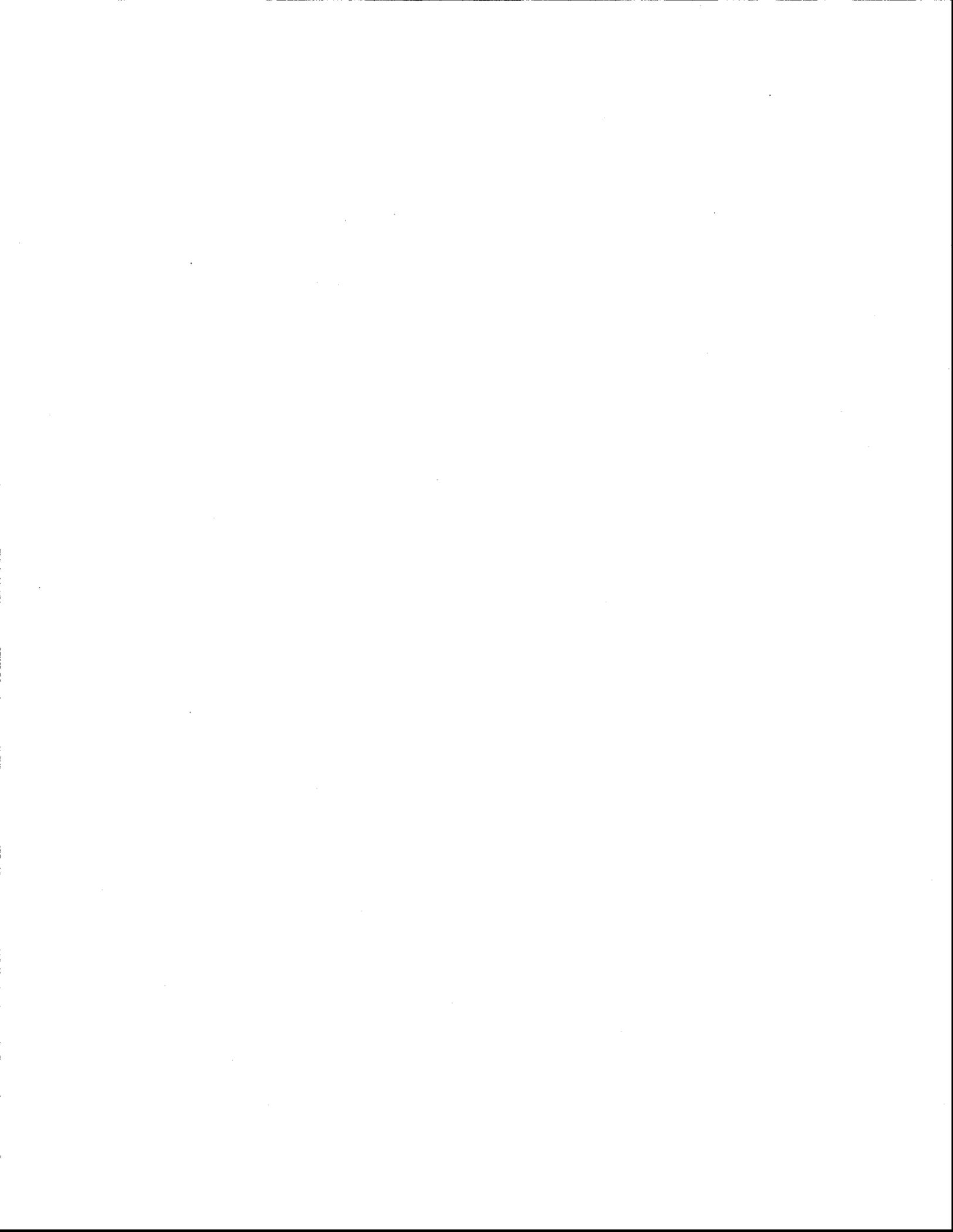
4           (7) Licensed psychiatric hospitals and licensed general hospitals  
5           providing psychiatric treatment programs; and

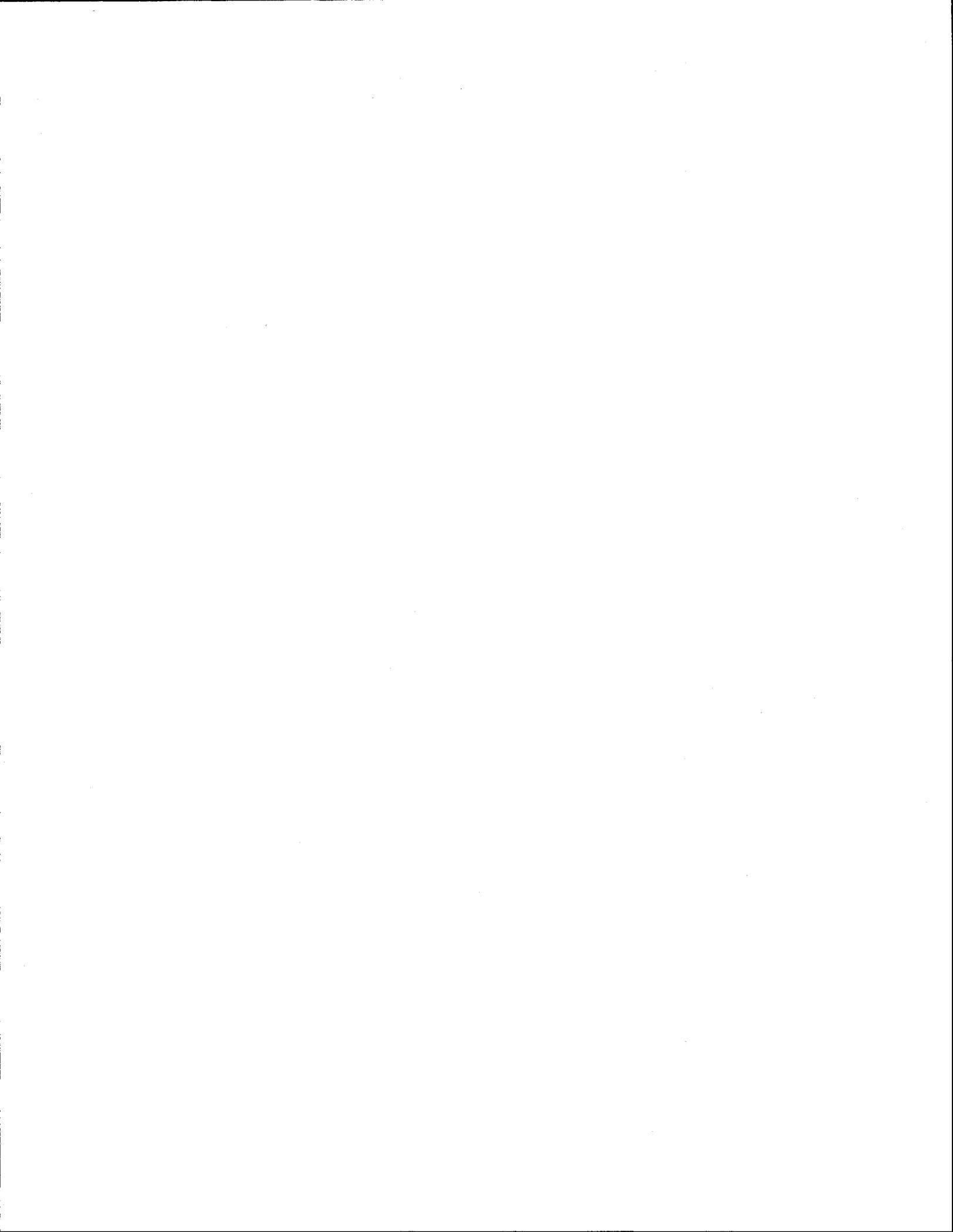
6           (8) Certified residential treatment facilities, community mental health  
7           centers, and partial hospitalization facilities."

8           Sec. 19. The initial terms of the two additional members of the North  
9           Carolina Psychology Board added by Section 6 of this act shall commence upon the  
10          ratification of this act and shall end on June 30 of the third calendar year after the  
11          year in which the act is ratified.

12          Sec. 20. This act is effective upon ratification.







NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB452

SHORT TITLE: Amend Psychology Practice Act

SPONSOR(S): Representative Shawn Lemmond

FISCAL IMPACT: Expenditures: Increase ( ) Decrease (X)  
 Revenues: Increase ( ) Decrease ( )  
 No Impact ( )  
 No Estimate Available ( )

FUND AFFECTED: General Fund (X) Highway Fund ( ) Local Govt. (X)  
 Other Funds ( )

BILL SUMMARY: House Bill 452 would amend G.S. 90-270.2-18 to allow individuals, holding both a master's or specialist degree in psychology and a license to practice psychology, to practice independent of supervision from a psychologist with a doctorate in psychology (Ph.D.).

EFFECTIVE DATE: January 1, 1995

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Department of Human Resources;  
 Department of Corrections and; local Area Mental Health Authorities

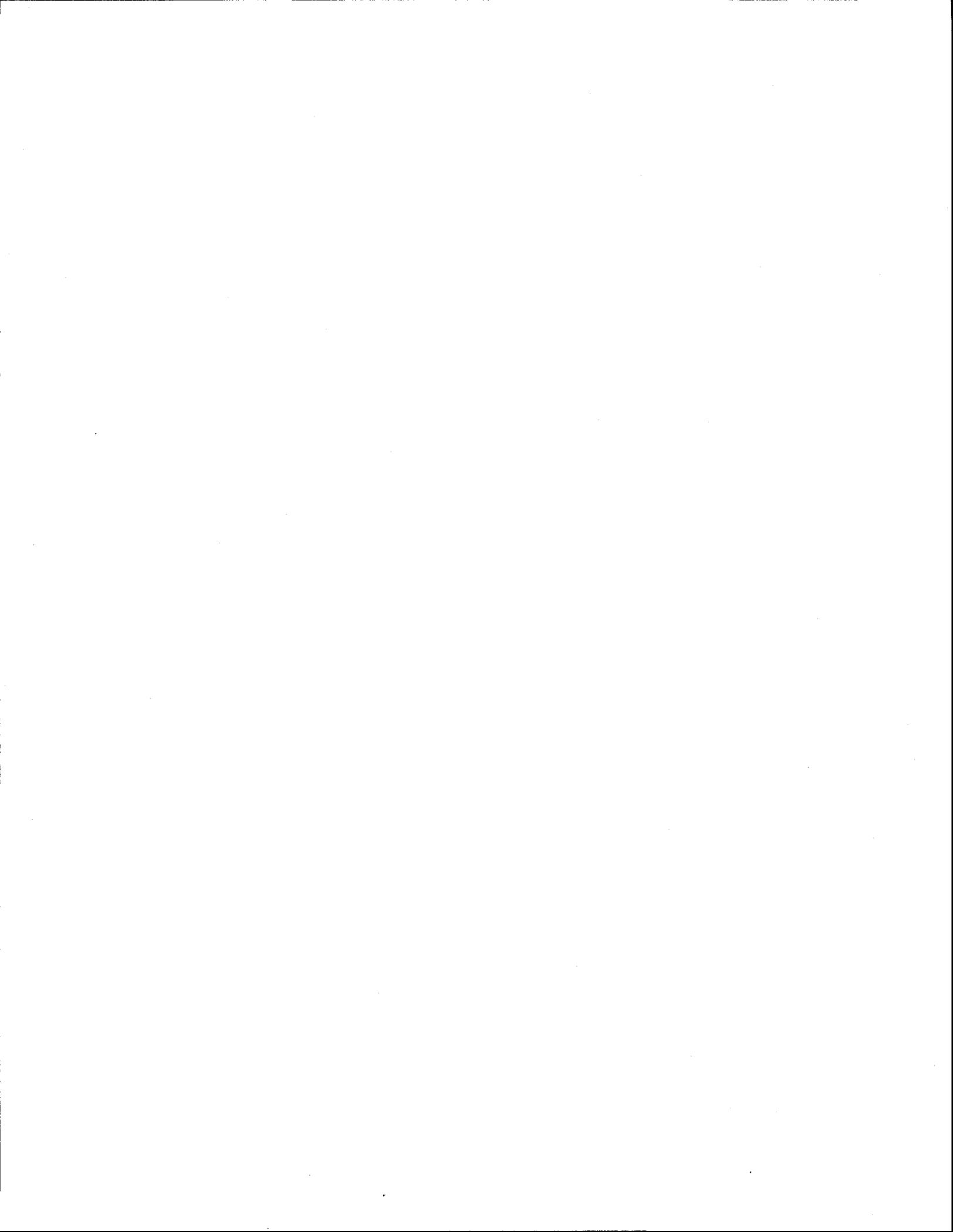
FISCAL IMPACT

	FY 96/97	FY 97/98	FY 98/99	FY 99/20	FY 20/20
REVENUES:	N/A				
GENERAL FUND					
HIGHWAY FUND					
HIGHWAY TRUST FUND					
LOCAL					
EXPENDITURES	(\$674,450)	(\$674,450)	(\$674,450)	(\$674,450)	(\$674,450)

POSITIONS: State and Local (estimated): 347 FTE's

ASSUMPTIONS AND METHODOLOGY: The following assumptions were used in assessing the fiscal impact of HB452:

- 1) Average (State) Master's Psychologist Salary \$44,644 or \$21/hour;
- 2) Average (State) Ph.D. Psychologist Salary \$63,814 or \$31/hour;
- 3) Average (Local) Master's Psychologist Salary \$46,210 or \$22/hour;
- 4) Average (Local) Ph.D. Psychologist Salary \$57,287 or \$28/hour;
- 5) All affected psychologist positions spend an average of 225 hours per week in supervisory activities;
- 6) All affected psychologist positions spend an average of 53 hours per week in supervisory activities;
- 7) Projected savings assume that all affected agencies (state & local) provide in-house supervision of psychologists;
- 8) "Savings" are defined as the elimination of costs for supervisory activities directed to and involving the affected positions.



In order to compile data needed to assess the fiscal impact of HB452, the State Office of Personnel provided the total numbers of affected psychologist positions which participate in the State Personnel System. Since several county governments as well as area mental health authorities operate outside of the State Personnel System, the Division of Mental Health provided 1995 data which reflect those positions.

**SOURCES OF DATA:** N.C. Office of State Personnel and Department of Human Resources/Division of Mental Health

**TECHNICAL CONSIDERATIONS:** Several local agencies provide supervision services via personal services contracts. The data compiled do not include costs related to this arrangement, thus projections may understate estimated savings for supervision. Secondly, while this fiscal note includes the assumption of total elimination of costs related to supervisory activities, given the variations in staffing from agency to agency (at state and local levels) total elimination may not be feasible. If an agency determined that it was not feasible to eliminate the time non-doctorate level psychologists spend being supervised (which could equate to a reduction in FTE's), then direct service hours could increase and projected savings would decrease.

**FISCAL RESEARCH DIVISION**

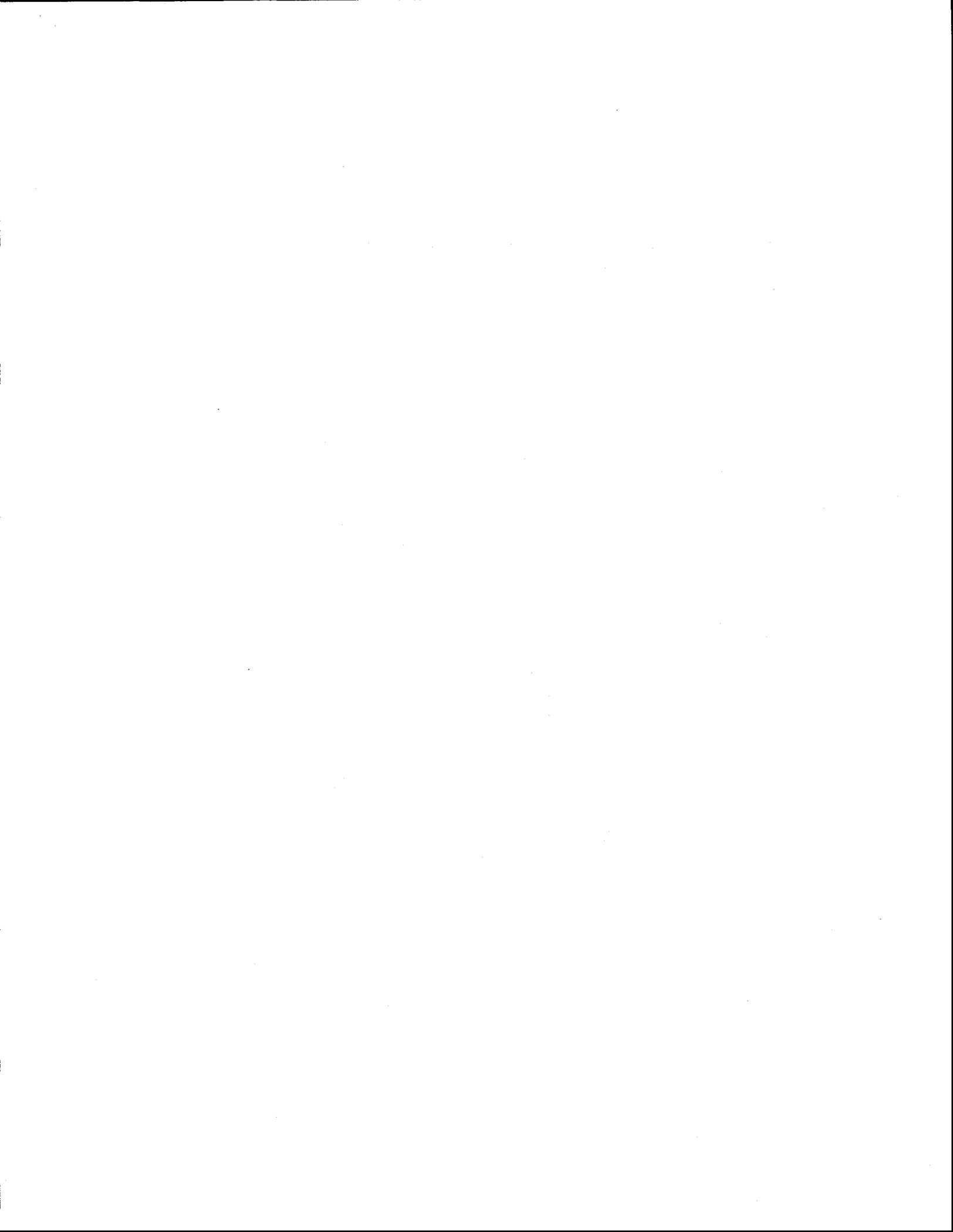
733-4910

**PREPARED BY:** Karen Hammonds-Blanks, Fiscal Analyst

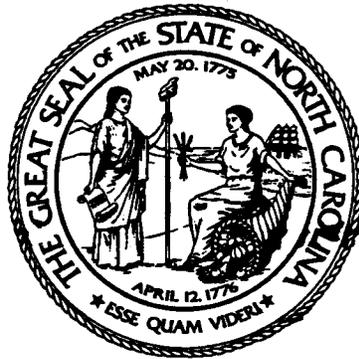
**APPROVED BY:** Tom Covington, Director

**DATE:** April 25, 1996

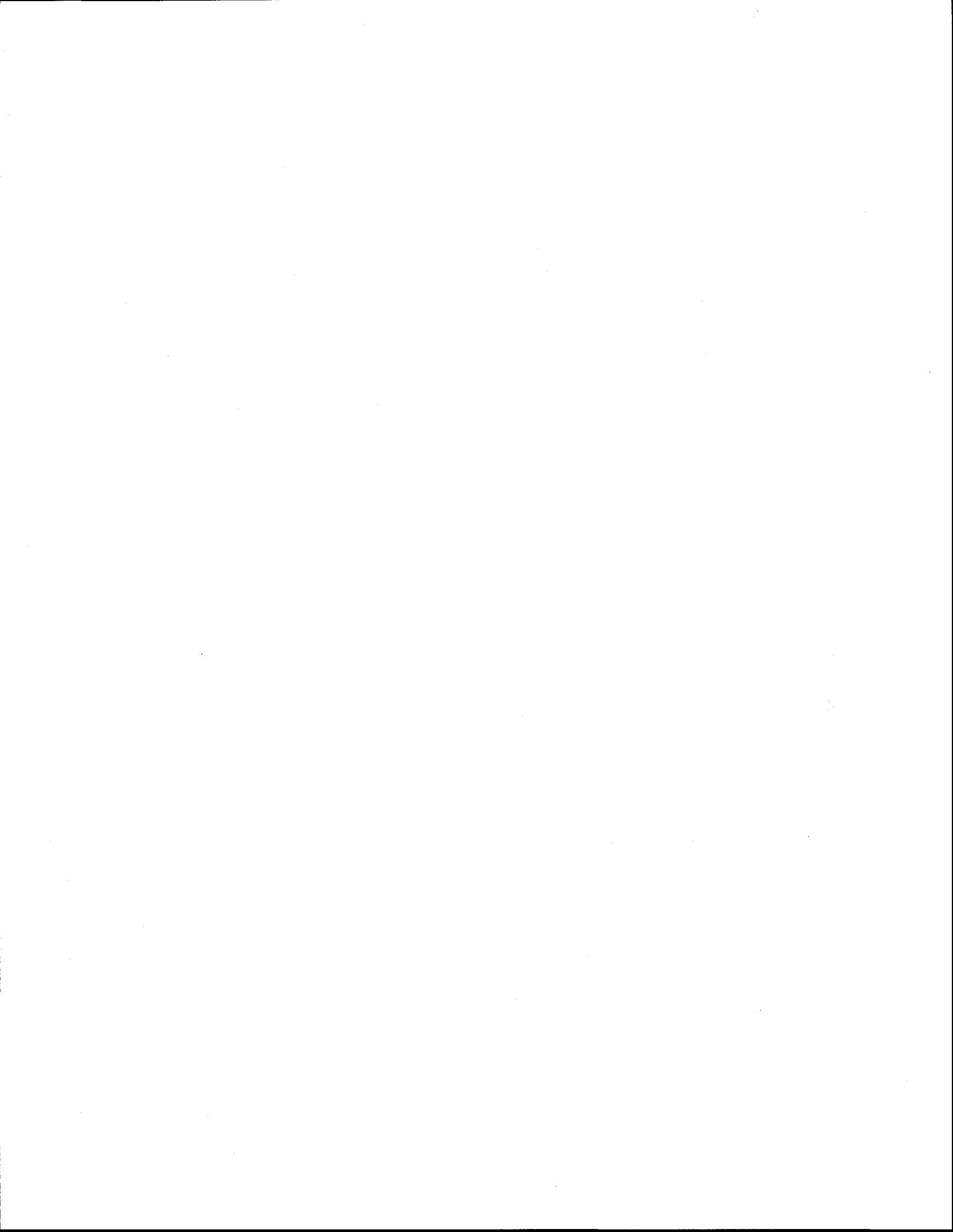
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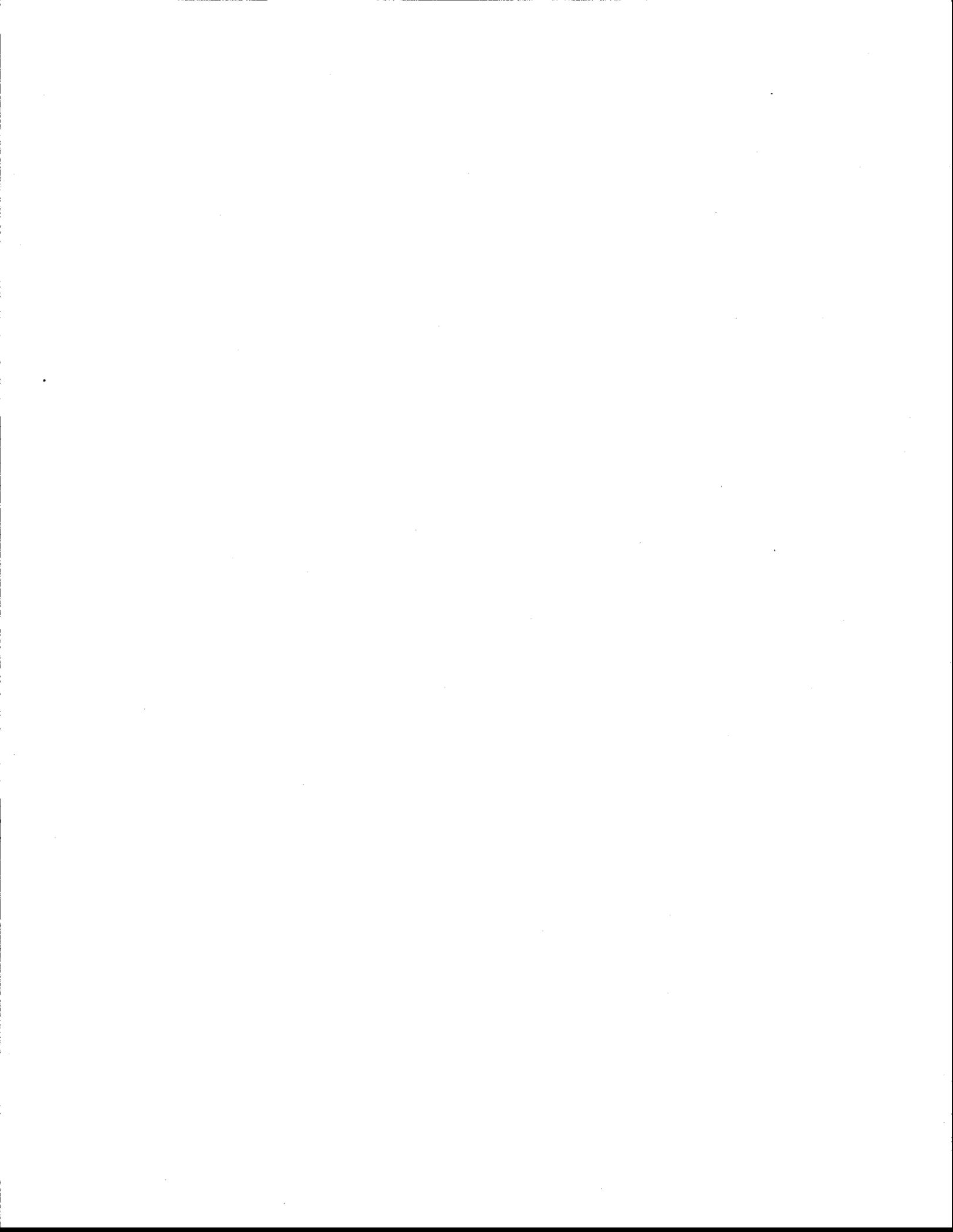


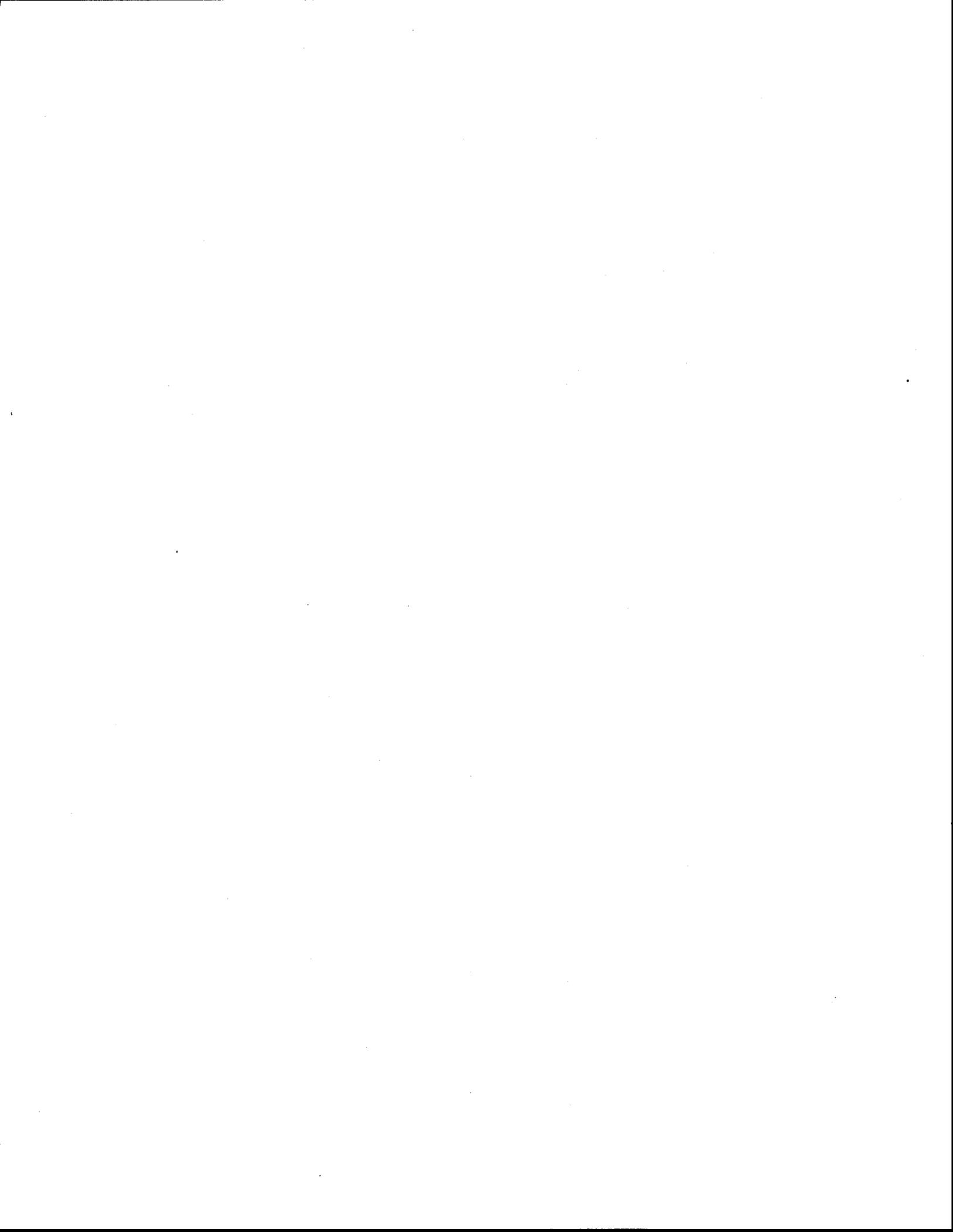
**LEGISLATIVE COMMITTEE ON  
NEW LICENSING BOARDS**



**ASSESSMENT REPORT  
FOR  
QUALIFIED ENVIRONMENTAL  
PROFESSIONALS  
1996**









**North Carolina General Assembly  
Legislative Services Agency**

George R. Hall, Legislative Services Officer  
(919) 733-7044

Elaine W. Robinson, Director  
Administrative Division  
Room 5, Legislative Building  
16 W. Jones St.  
Raleigh, NC 27603-5925  
(919) 733-7500

Gerry F. Cohen, Director  
Bill Drafting Division  
Suite 100, LOB  
300 N. Salisbury St.  
Raleigh, NC 27603-5925  
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Thomas L. Covington, Director  
Fiscal Research Division  
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Donald W. Fulford, Director  
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Terrence D. Sullivan, Director  
Research Division  
Suite 545, LOB  
300 N. Salisbury St.  
Raleigh, NC 27603-5925  
(919) 733-2578

**March 22, 1996**

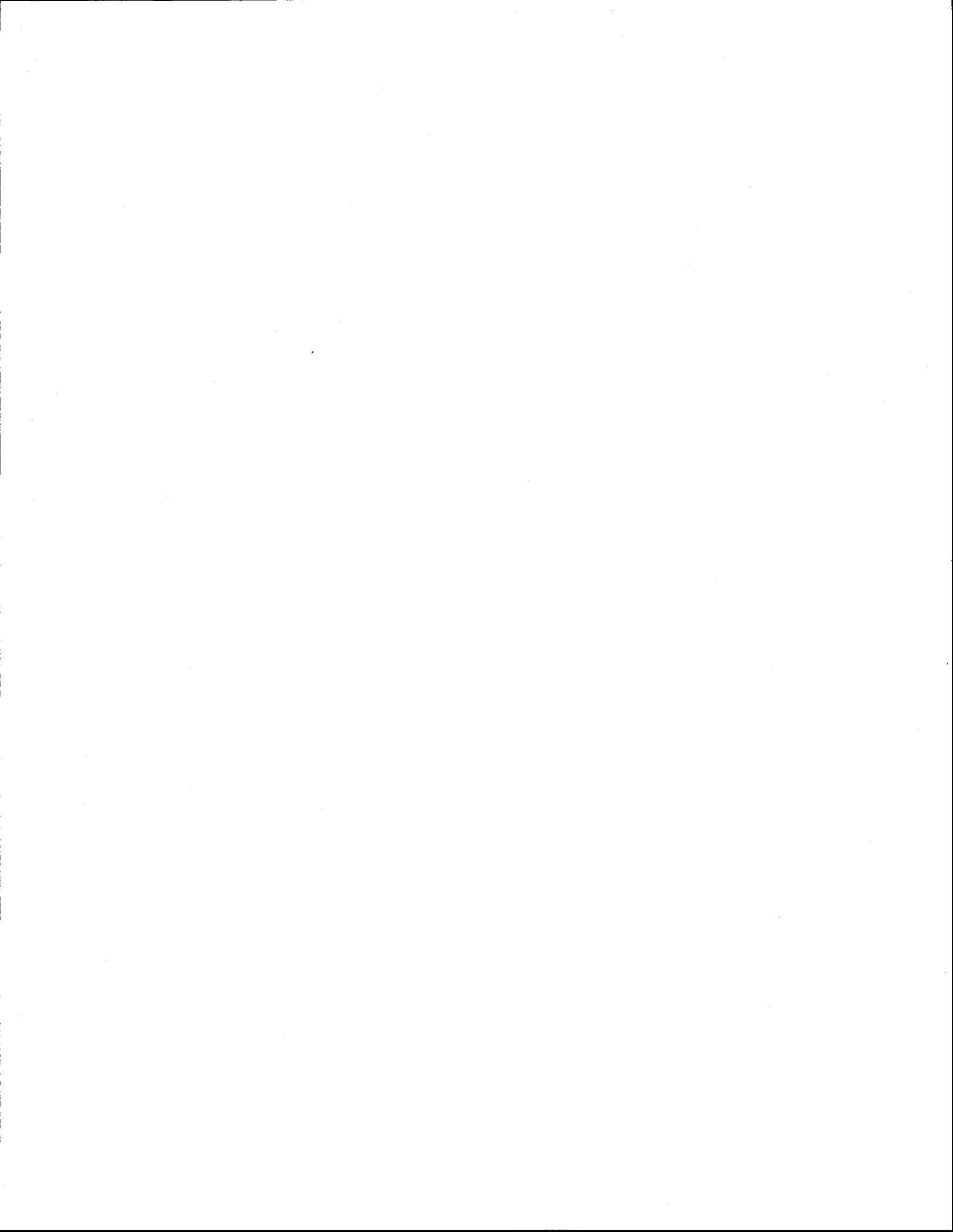
**TO THE MEMBERS OF THE GENERAL ASSEMBLY**

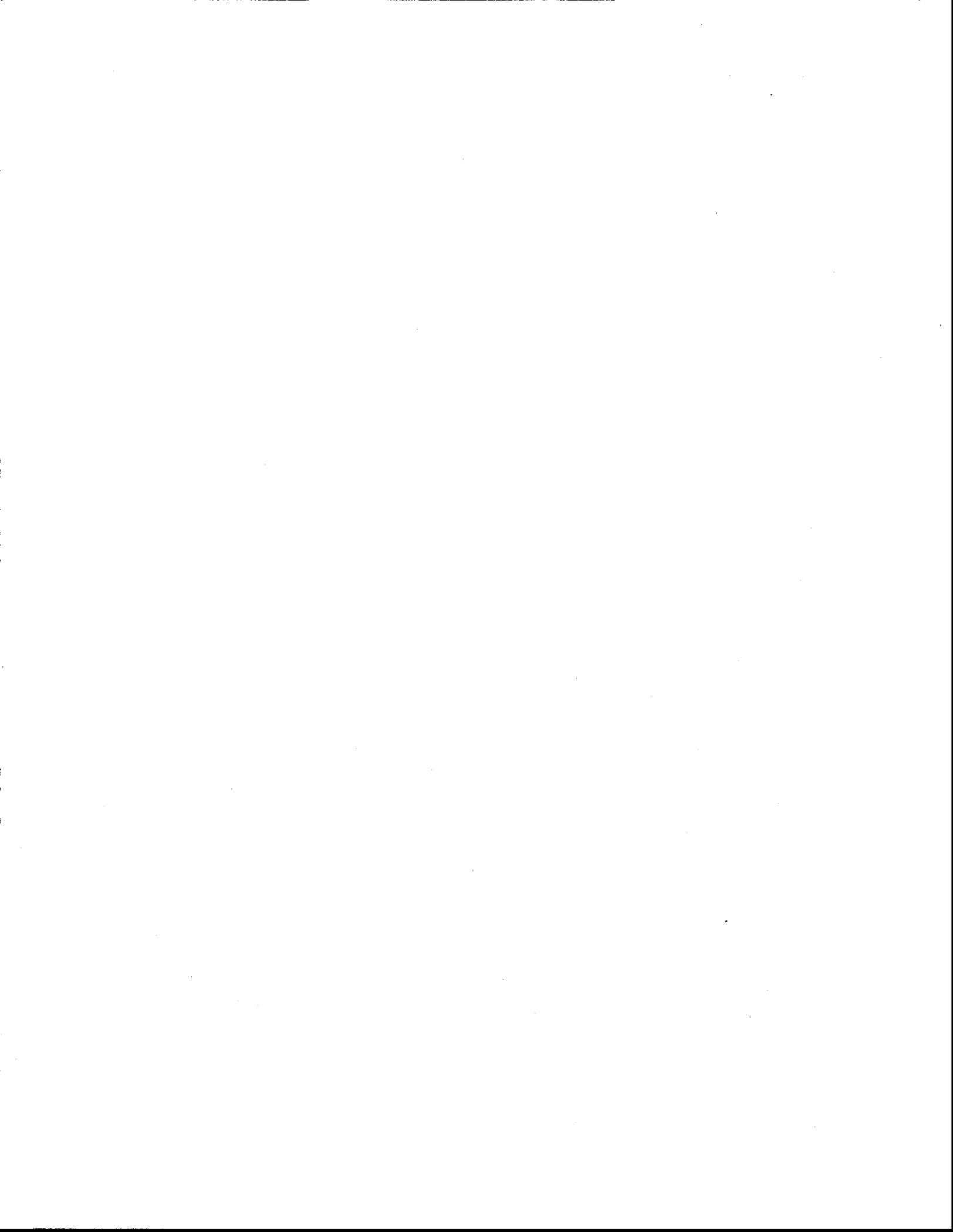
Attached for your consideration is the assessment report on the licensing of qualified environmental professionals. This report serves as both the preliminary and final assessment reports.

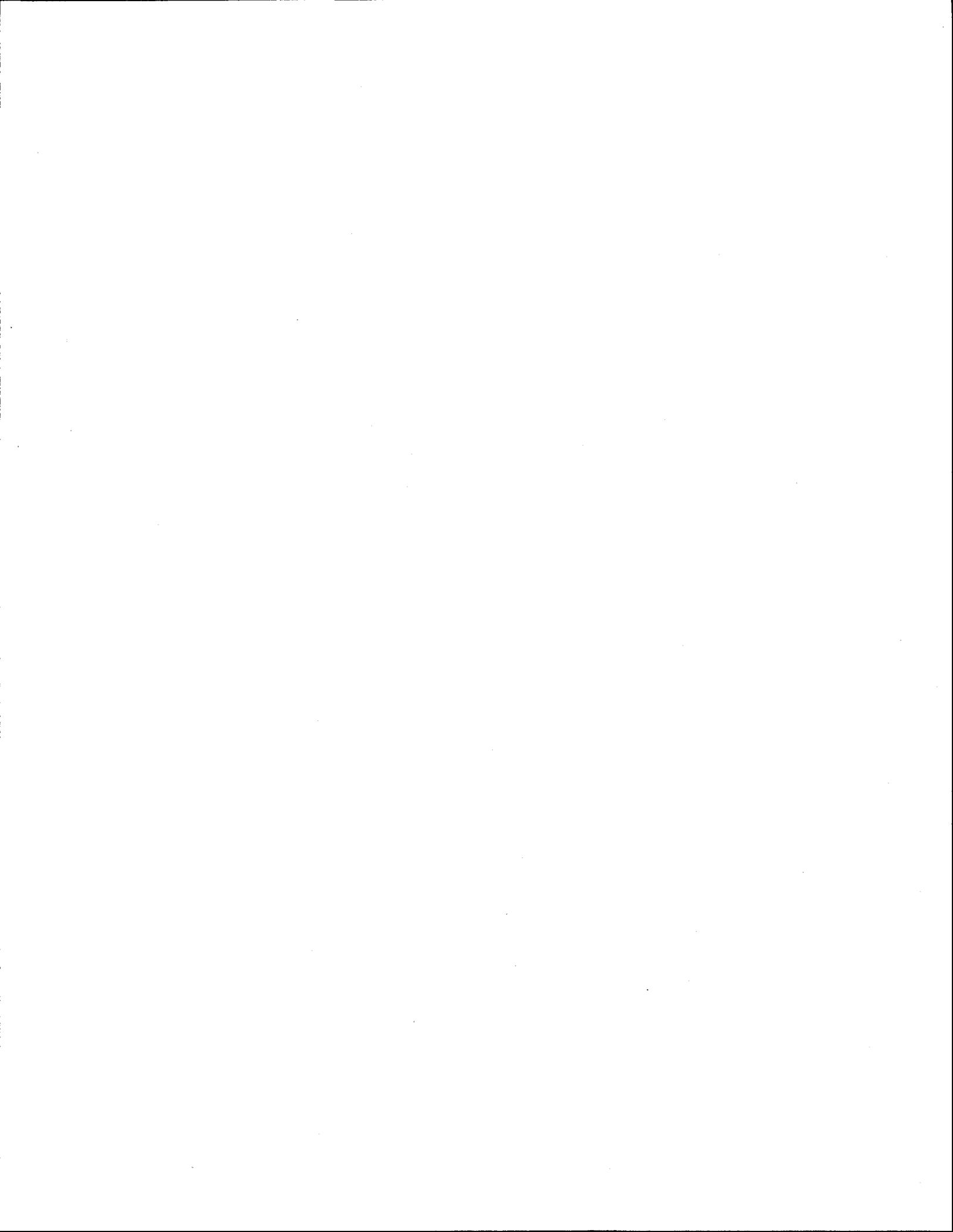
Senator David Parnell, Chairman  
Legislative Committee on New Licensing Boards

Prepared By:  
Linwood Jones, Counsel  
Legislative Committee on New Licensing Boards









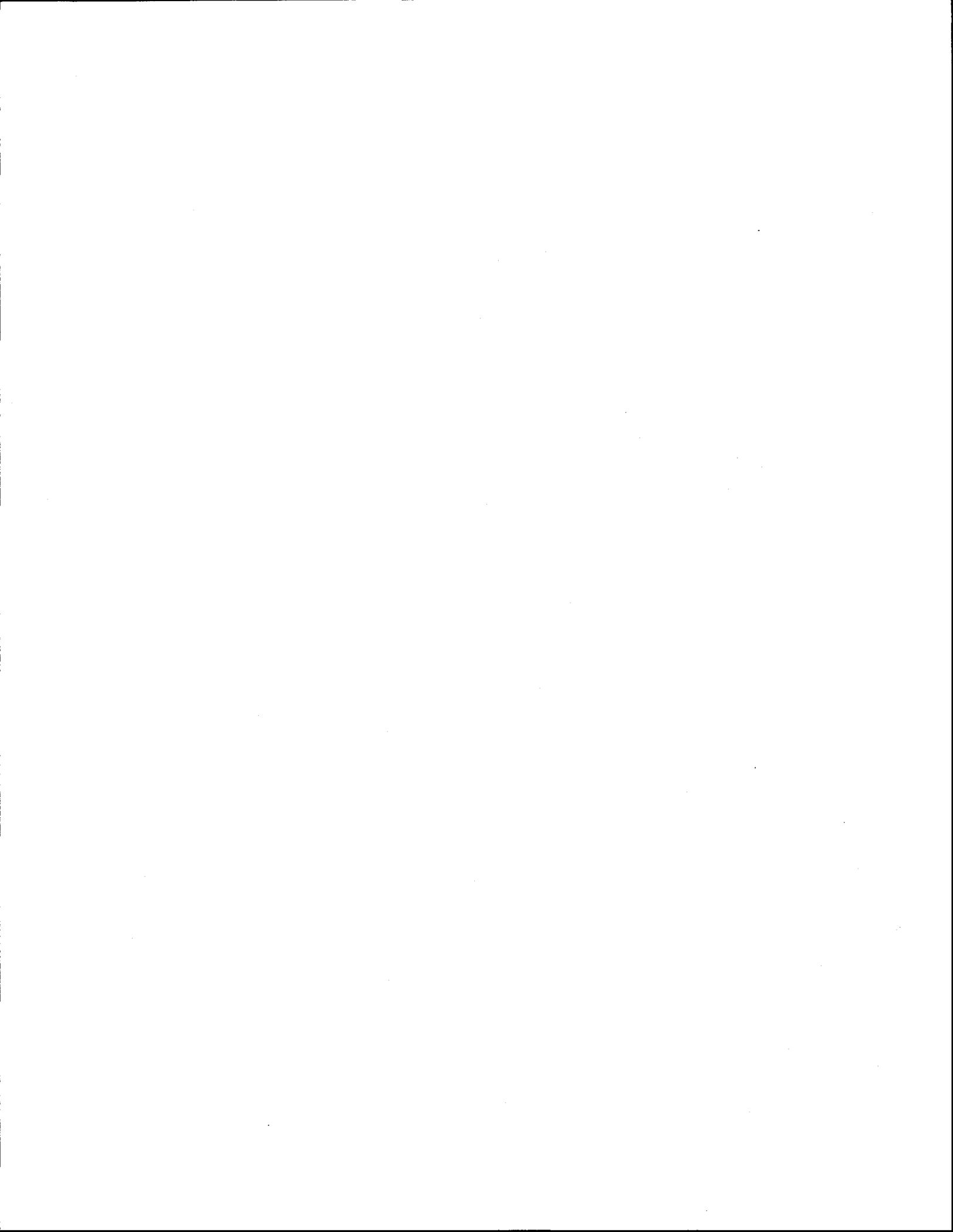
# QUALIFIED ENVIRONMENTAL PROFESSIONALS

Environmental professionals are a class of persons who perform analysis, evaluation, testing, and monitoring of the environment, including the air, soils, groundwater, surface water, and related resources. Under the proposal before the Committee, an environmental professional whose credentials were recognized by the Department of Environment, Health, and Natural Resources would be recognized to perform and sign off on certain categories of work that are currently restricted to registered professional engineers and geologists. The categories of work involve air quality standards, emission control standards, classifications for air contaminant sources, water quality standards and classifications, water and air quality reporting, and underground storage tanks used for storage of hazardous substances or oil.

Air quality permits had reportedly been issued for nearly 25 years in North Carolina without an engineer's seal on the documentation for the permitted site. In many instances, this work was done by industrial hygienists. Water quality permits were issued only if engineer's seal was present. A few years ago, the issue was raised with the Board of Registration of Land Surveyors and Professional Engineers whether the work being performed by industrial hygienists and other environmental professionals for air quality permits constituted the practice of engineering. The Board ruled that certain of the activities involved did constitute the practice of engineering and, therefore, the seal of a professional engineer on the work would be required. The Board of Registration for Geologists reached a similar conclusion with respect to activities falling under the geologists' practice act.

As a result, an environmental professional who is neither a professional engineer nor a licensed geologist must have an engineer or geologist seal the work for these permits. The environmental professional will still often be involved in the process, providing "significant technical assistance and support" to the engineers and geologists. (See letter from Rainer, Kretchman, Pecarina, and Macdonald (NCSU Environmental Health and Safety Center)).

Under the proposal considered by the Committee, the Environmental Management Commission would be given the authority to determine which types of existing certifications, registrations, and licenses exhibit the necessary competency for environmental engineers to perform these activities. The Commission would review the educational and experience requirements of these licenses, certifications, and registrations before determining which are appropriate for recognition. There are several existing national credentialing boards and societies, including, for example, the Institute of Professional Environmental Practice (IPEP), the Institute of Hazardous Materials Management (IHMM), the National Registry of Environmental Professionals



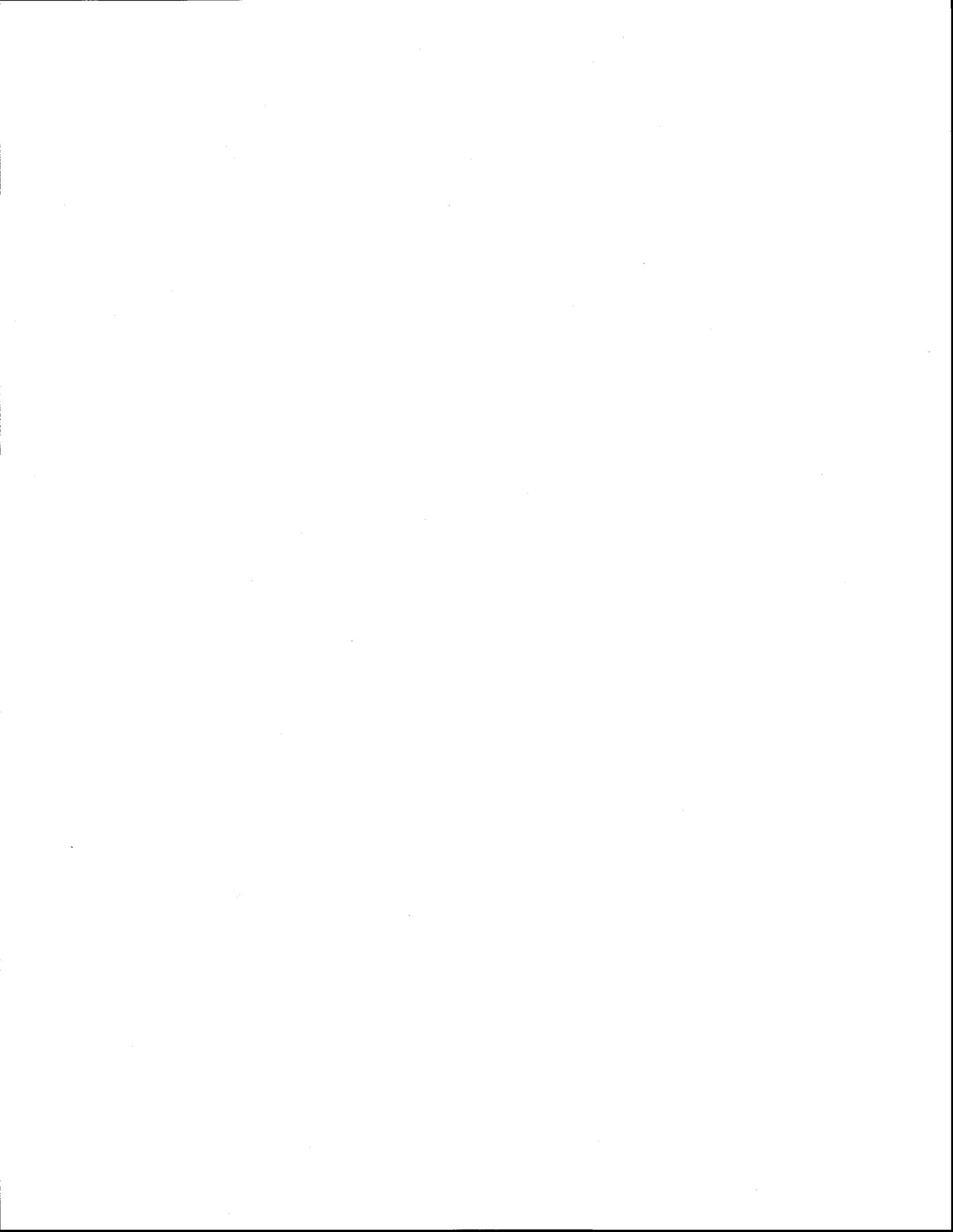
(NREP), and the National Association of Environmental Professionals (NAEP). Each of these organizations listed impose educational and experience requirements as a prerequisite for credentialing.

It is believed that there are approximately 500 persons in North Carolina who would qualify as "environmental professionals" under the proposal if the 4 major credentialing organizations were recognized by DEHNR. It is also believed that about fifteen percent of the memberships of these organizations are professional engineers (see letter from Mr. Jim Husted or Husted and Associates to Mr. Linwood Jones, Committee Counsel, June 1, 1995).

This proposal was first brought before the General Assembly in the 1995 session. Representative Steve Wood introduced House Bill 880. The Legislative Committee on New Licensing Boards heard House Bill 880 during the 1995 session and issued an assessment report on June 15, 1995, in which it found that House Bill 880 did not meet the criteria for licensure under G.S. 120-149.4(b). Later in the session, this matter was included in the omnibus study bill (HB 898) so that it could, with the approval of the Legislative Research Commission, receive additional study. The Legislative Research Commission met and referred the matter to the Legislative Committee on New Licensing Boards for a second review if it chose to conduct a second review. The Committee met in February and March of this year to review the proposal further.

At its first meeting, the Committee heard testimony in favor of the proposal (HB 880). See the Committee Proceedings for February 18, 1996. At its second meeting, the Committee continued its consideration of the proposal to allow qualified environmental professionals to perform certain activities relating to DEHNR requirements that are now restricted to engineers and geologists. See the Committee Proceedings for the March 22, 1996 meeting.

The Committee finds that the proposal to recognize qualified environmental professionals does not meet the applicable statutory criteria in Article 18A of Chapter 120 of the General Statutes and recommends that the General Assembly do not give favorable consideration to the proposal. This report constitutes both the preliminary and the final assessment reports on this proposal.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 880

Short Title: Qualified Environmental Professional.

(Public)

---

Sponsors: Representative Wood.

---

Referred to: Health and Environment.

---

April 12, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE ENVIRONMENTAL PROFESSIONALS TO  
2 PERFORM CERTAIN ENVIRONMENTAL SERVICES AND SIGN CERTAIN  
3 ENVIRONMENTAL REPORTS THAT CURRENTLY ARE PERFORMED AND  
4 SIGNED BY LICENSED ENGINEERS OR LICENSED GEOLOGISTS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143B-282 is amended by adding a new subsection to  
7 read:

8 "(c) Rules adopted by the Environmental Management Commission under  
9 subsection (a) of this section:

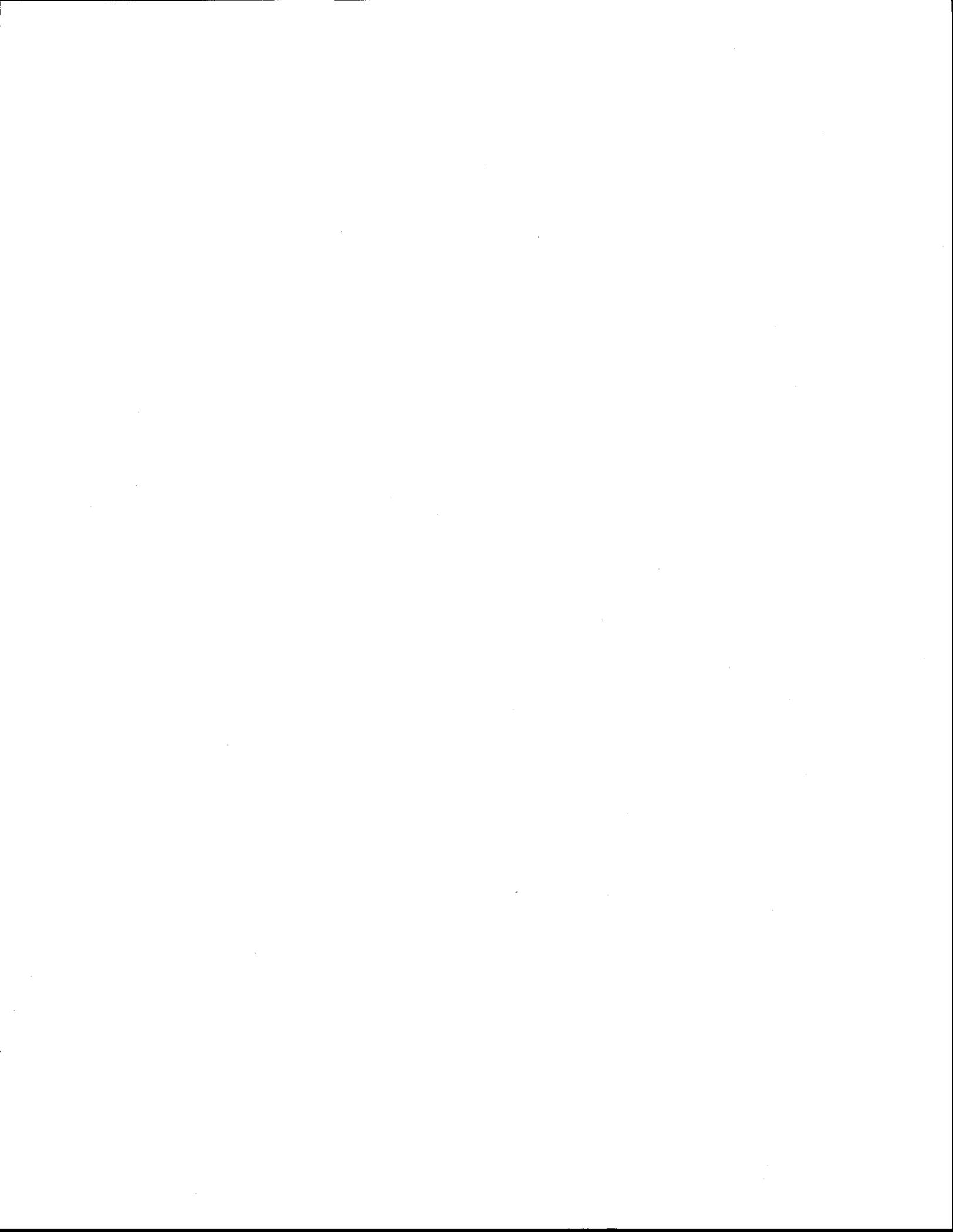
10 (1) For air quality standards, emission control standards, and  
11 classifications for air contaminant sources pursuant to G.S. 143-  
12 215.107;

13 (2) For water quality standards and classifications pursuant to G.S.  
14 143-214.1 and G.S. 143-215;

15 (3) To implement water and air quality reporting pursuant to G.S.  
16 143-215.68; and

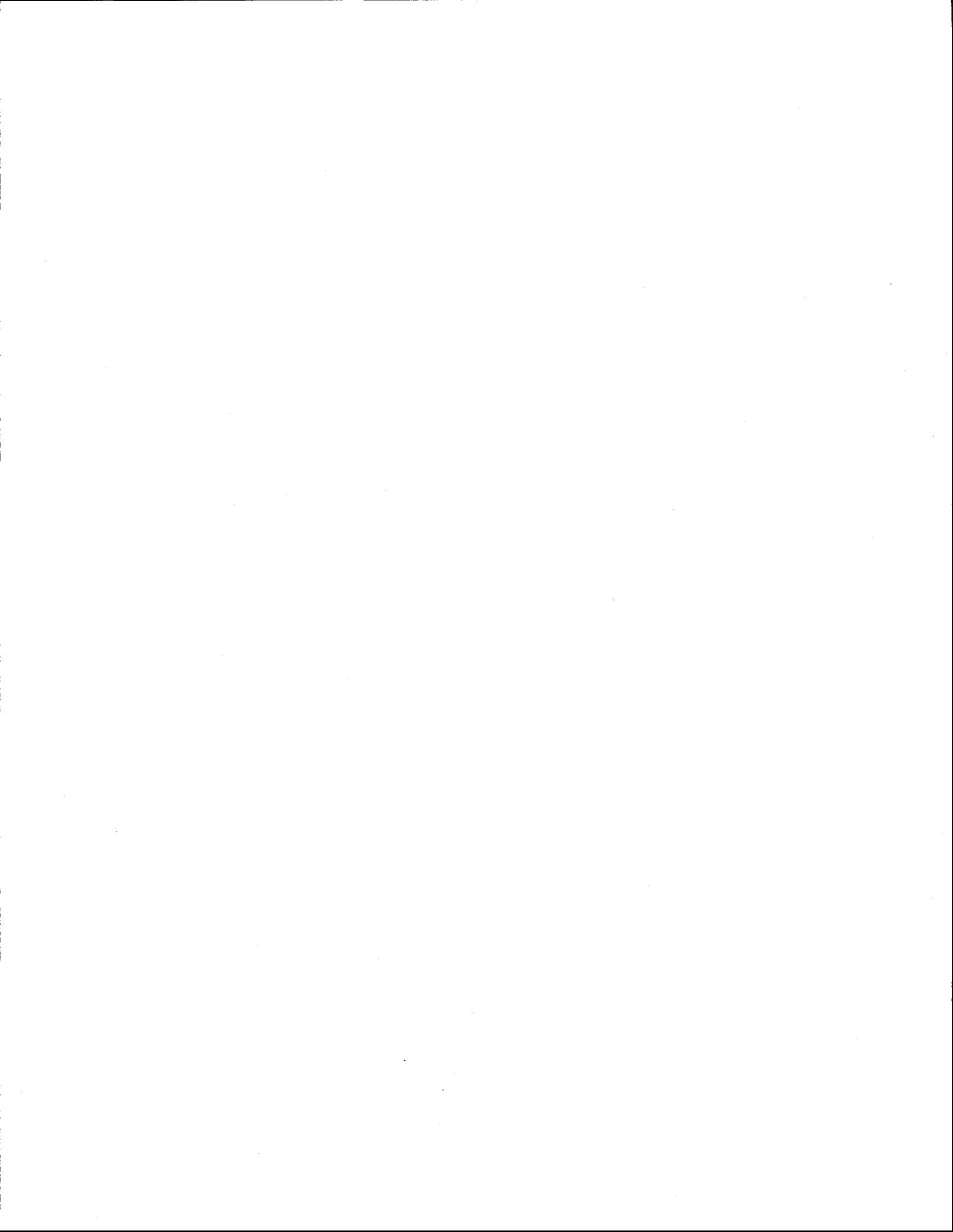
17 (4) Governing underground tanks used for the storage of hazardous  
18 substances or oil pursuant to Article 21 of Chapter 143 of the  
19 General Statutes

20 shall provide that services that must be performed by a licensed geologist or a  
21 licensed engineer and reports that must be signed by a licensed geologist or a licensed  
22 engineer also may be performed or signed by a certified, registered, or licensed  
23 environmental professional. The Environmental Management Commission shall  
24

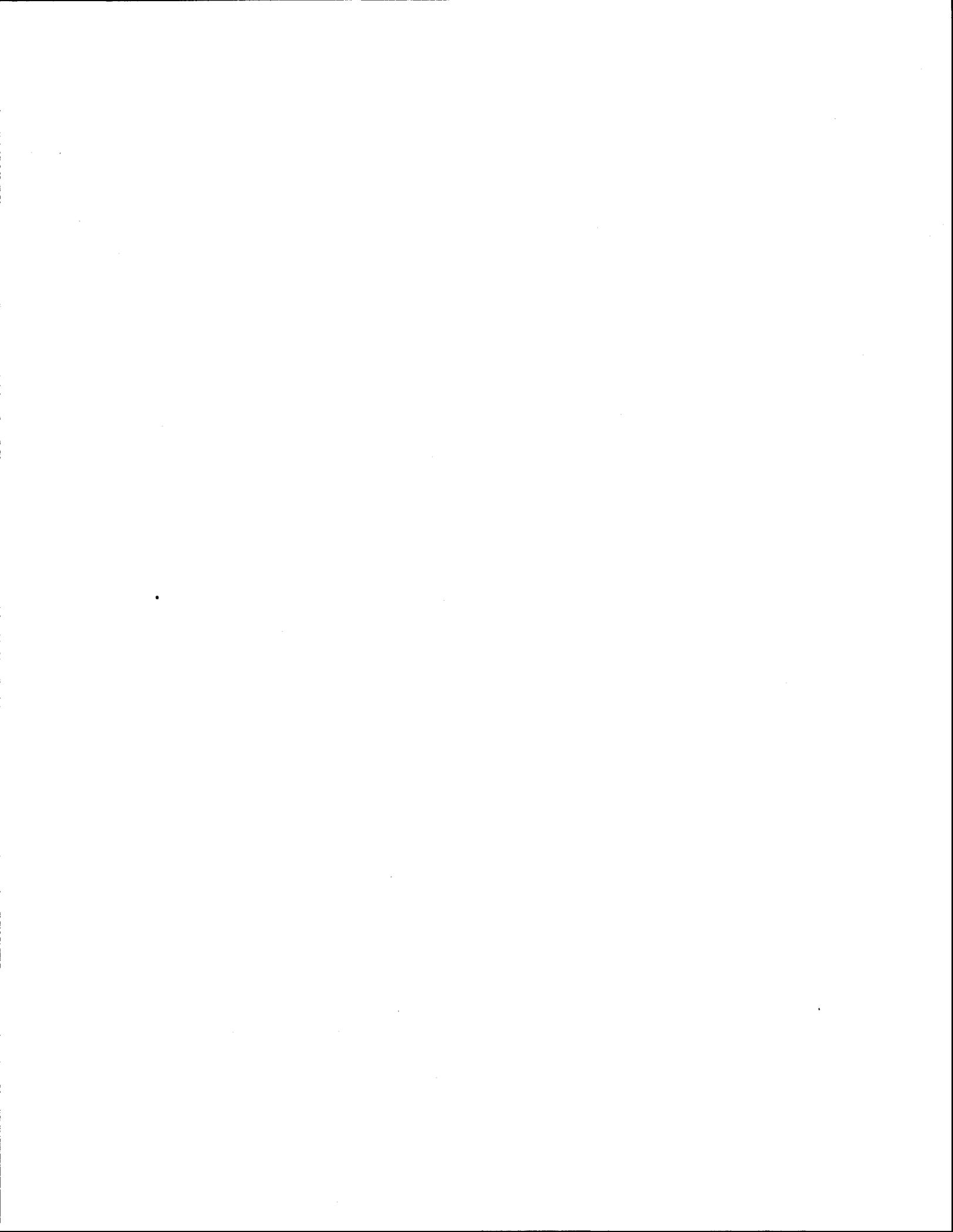


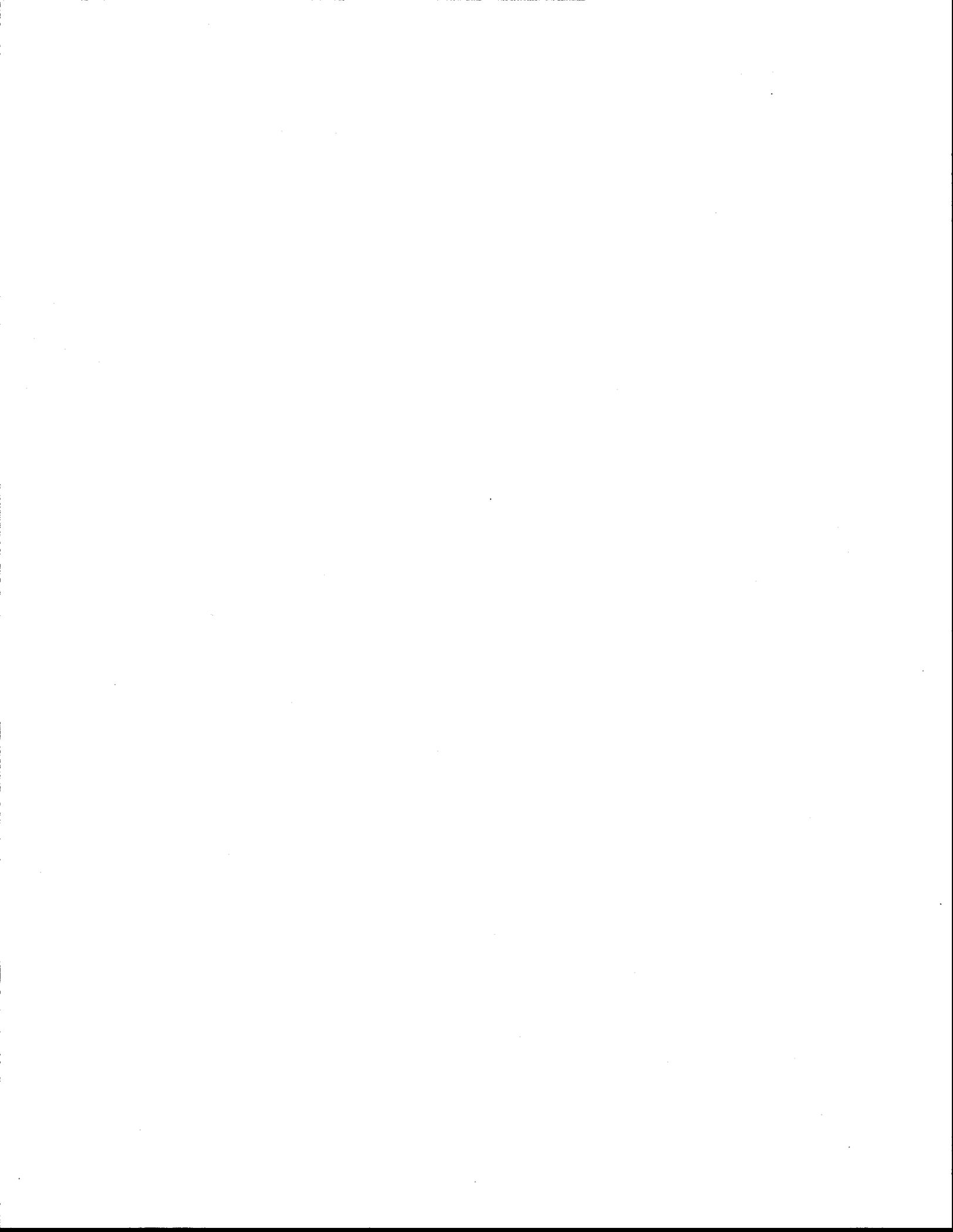
1 determine which certifications, registrations, and licenses it recognizes as possessing  
2 the necessary competency to perform these services and complete these reports based  
3 on the certification, registration, or licensing entity's eligibility standards regarding an  
4 individual's science education or work experience as an environmental professional,  
5 or both, and the individual's passing a qualifying examination."

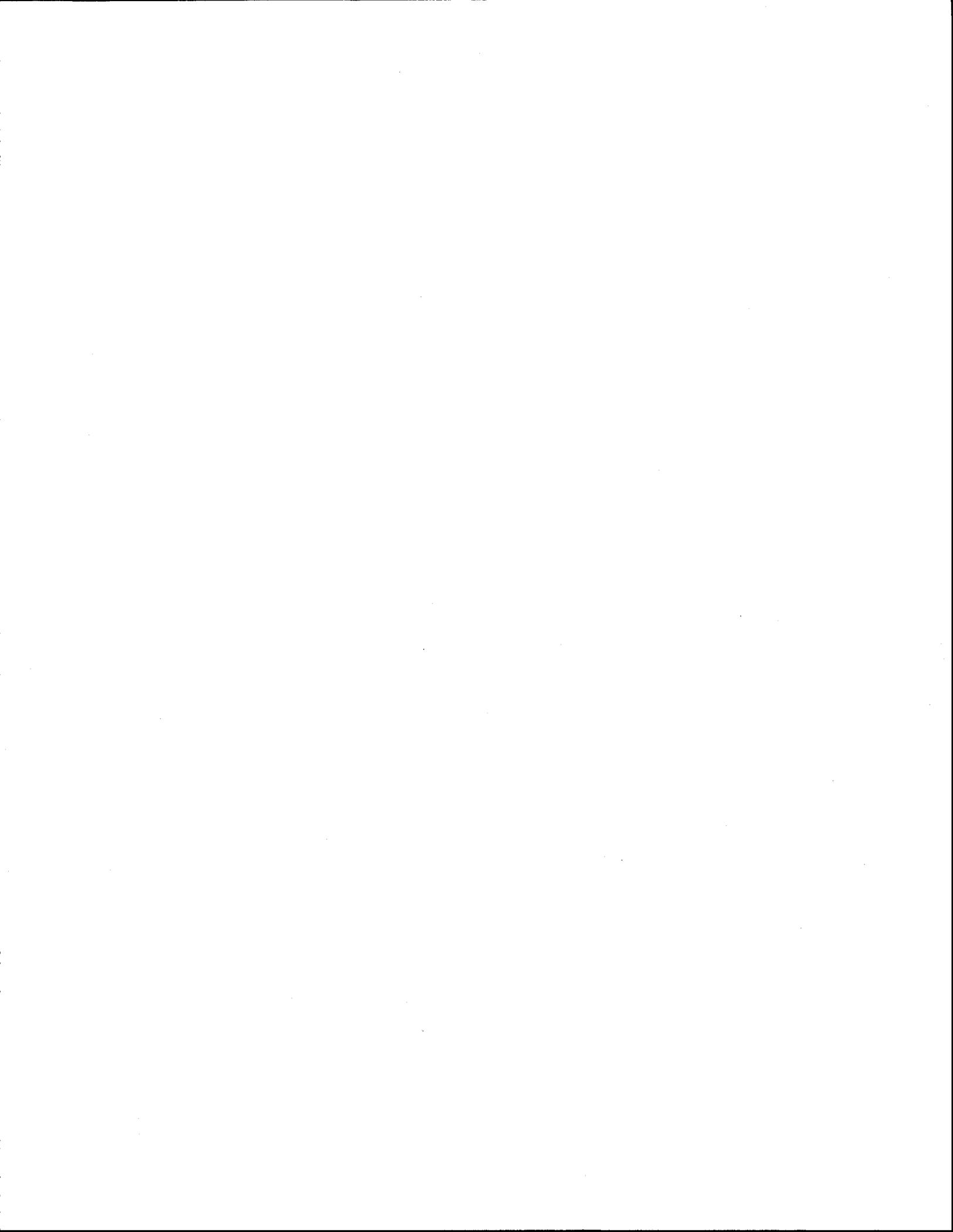
6           Sec. 2. This act is effective upon ratification and applies to any  
7 environmental services or any environmental reports subject to Section 1 of this act  
8 that are performed or signed on or after that date.



# APPENDIX A







## **Legislative Committee on New Licensing Boards**

**Senator David Parnell, Chairman**

**Senator Frank Ballance**

**Representative Michael Decker**

**Senator Fred Hobbs**

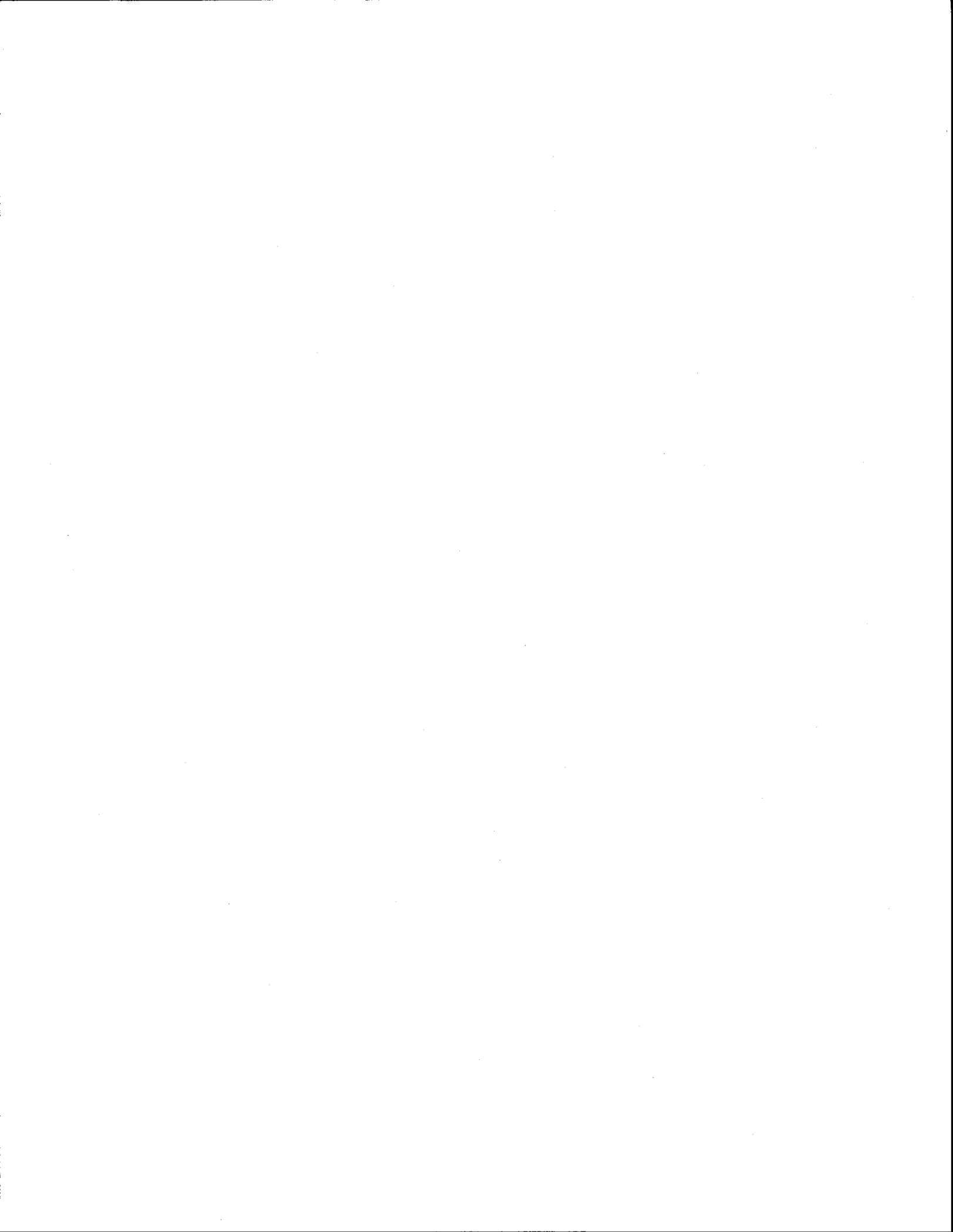
**Representative Linwood Mercer**

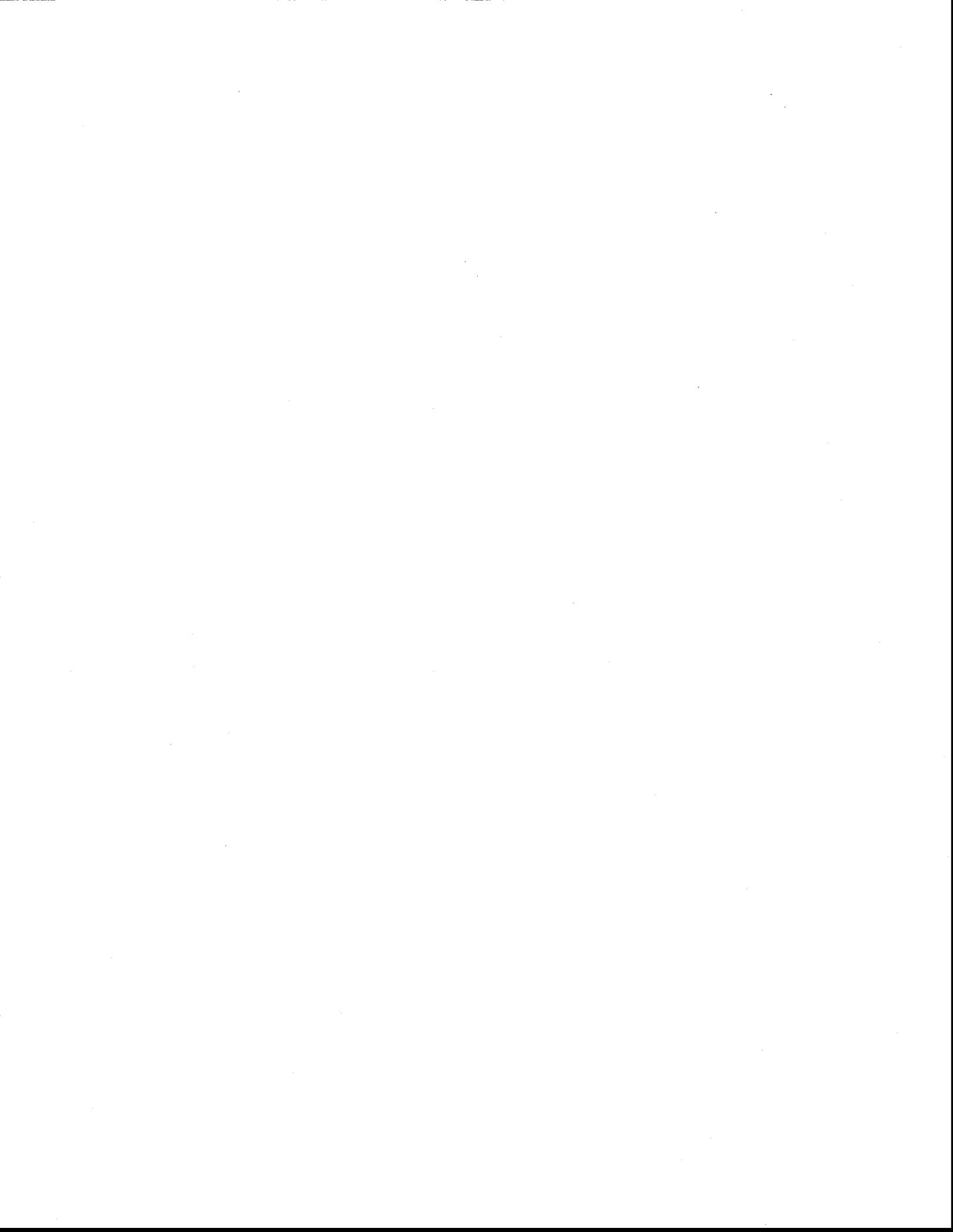
**Senator Paul Smith**

**Representative Frank Mitchell**

**Senator R.C. Soles**

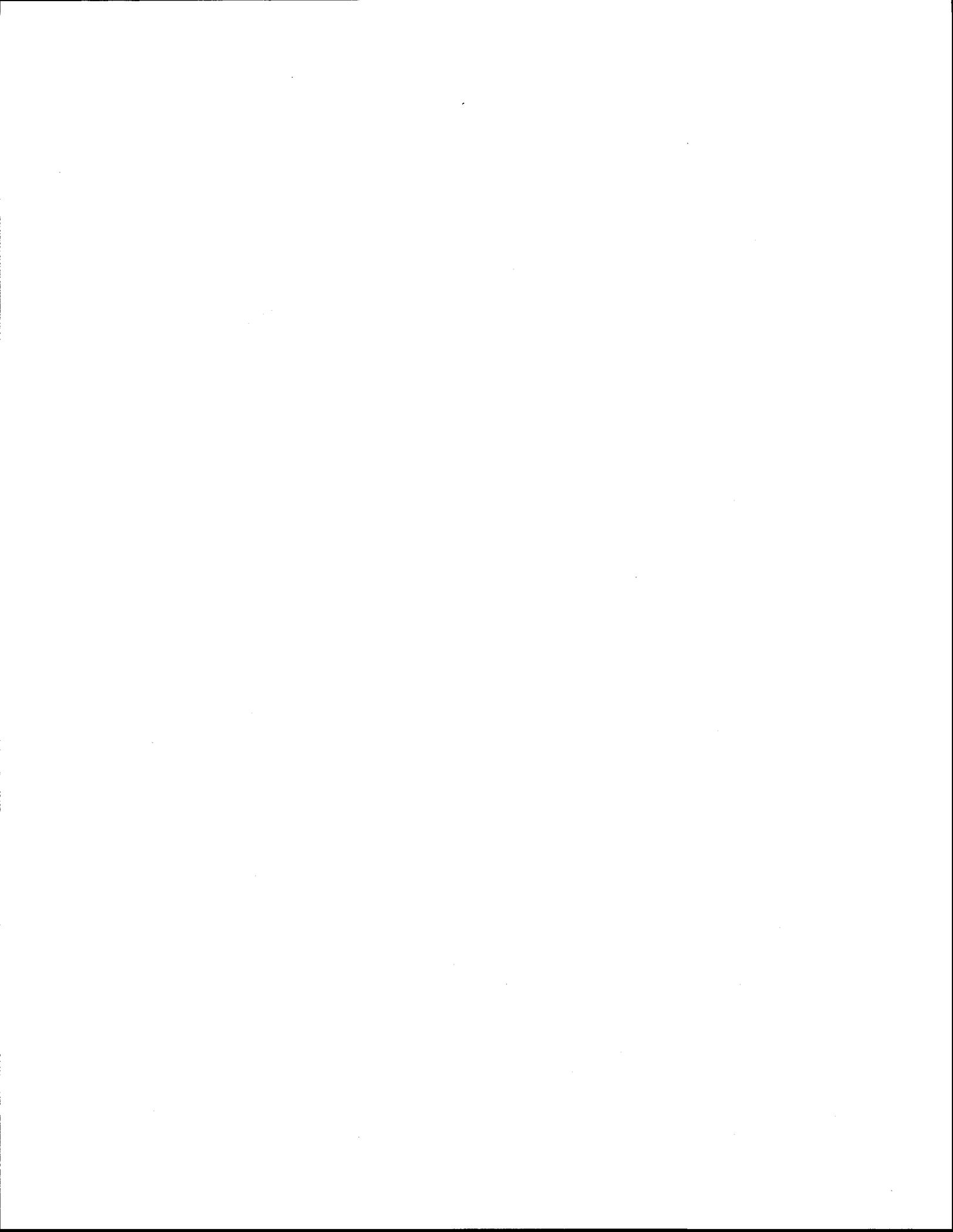
**Representative Wilma Sherrill**

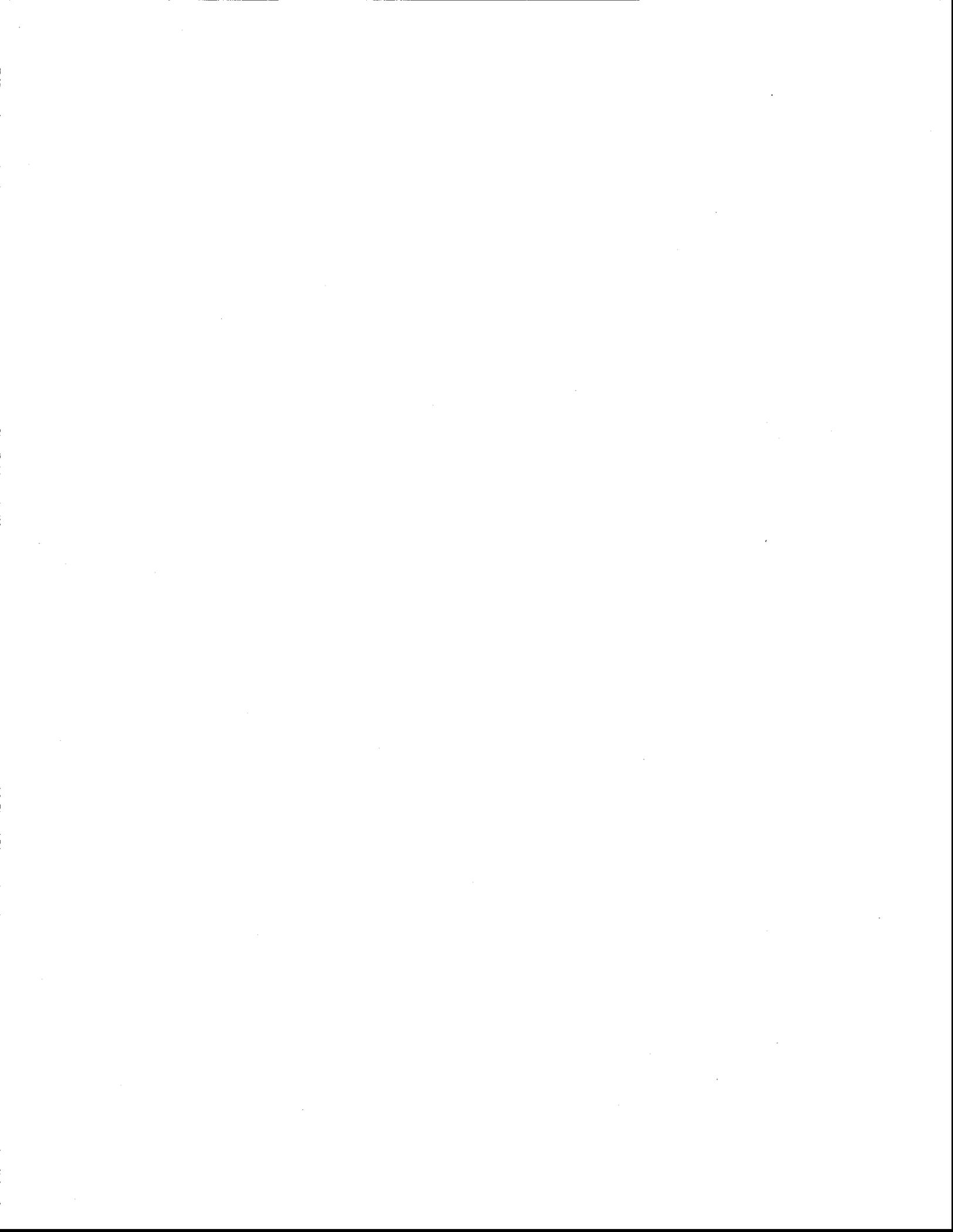


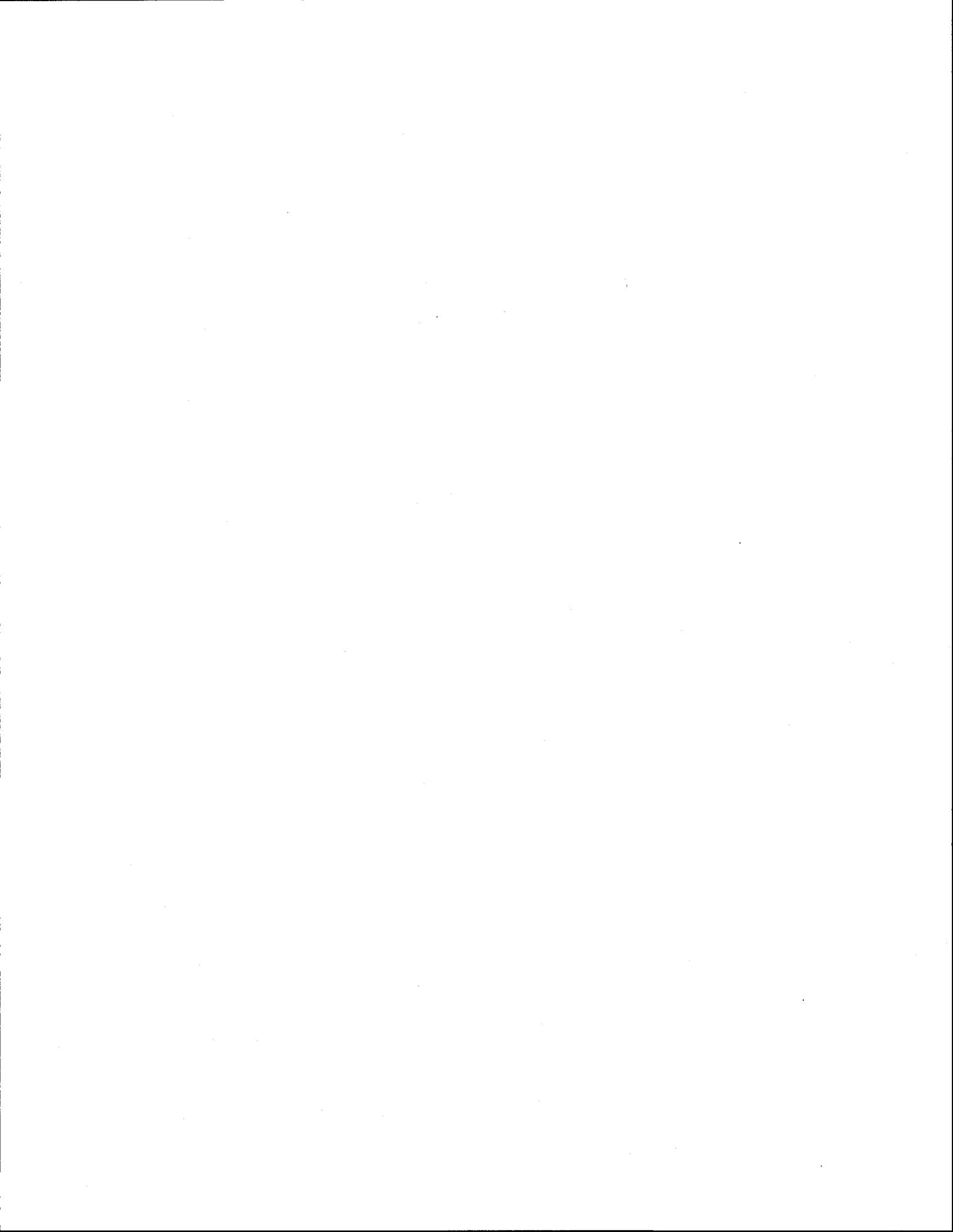




# **APPENDIX B**









## North Carolina General Assembly

Legislative Services Office  
Legislative Office Building  
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**CORRECTED COPY**

November 8, 1995

The Honorable David Parnell, Chairman  
Legislative Committee on New Licensing Boards  
PO Box 100  
Parkton, NC 28371

Dear Representative Parnell:

Chapter 542 of the 1995 Session Laws, Section 2.1(17), HB 898, included a provision authorizing the Legislative Research Commission to study the issue of Occupational and Professional Regulation including:

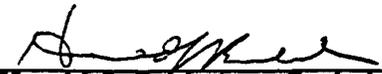
1. The issue of Fire Alarm Installers;
2. The issue of Qualified Environmental Professionals (the original study was contained in HB 880, introduced by Representative Stephen W. Wood, a copy of which is attached);
3. The issue of Forester Licensing;
4. The issue of the Psychology Practice Act (the original study was contained in HB 451, introduced by Representative J. Shawn Lemmond, a copy of which is attached).

At its meeting on October 5, 1995, pursuant to G.S. 120-30.17(9), the Legislative Research Commission assigned these matters to the Legislative Committee on New Licensing Boards.

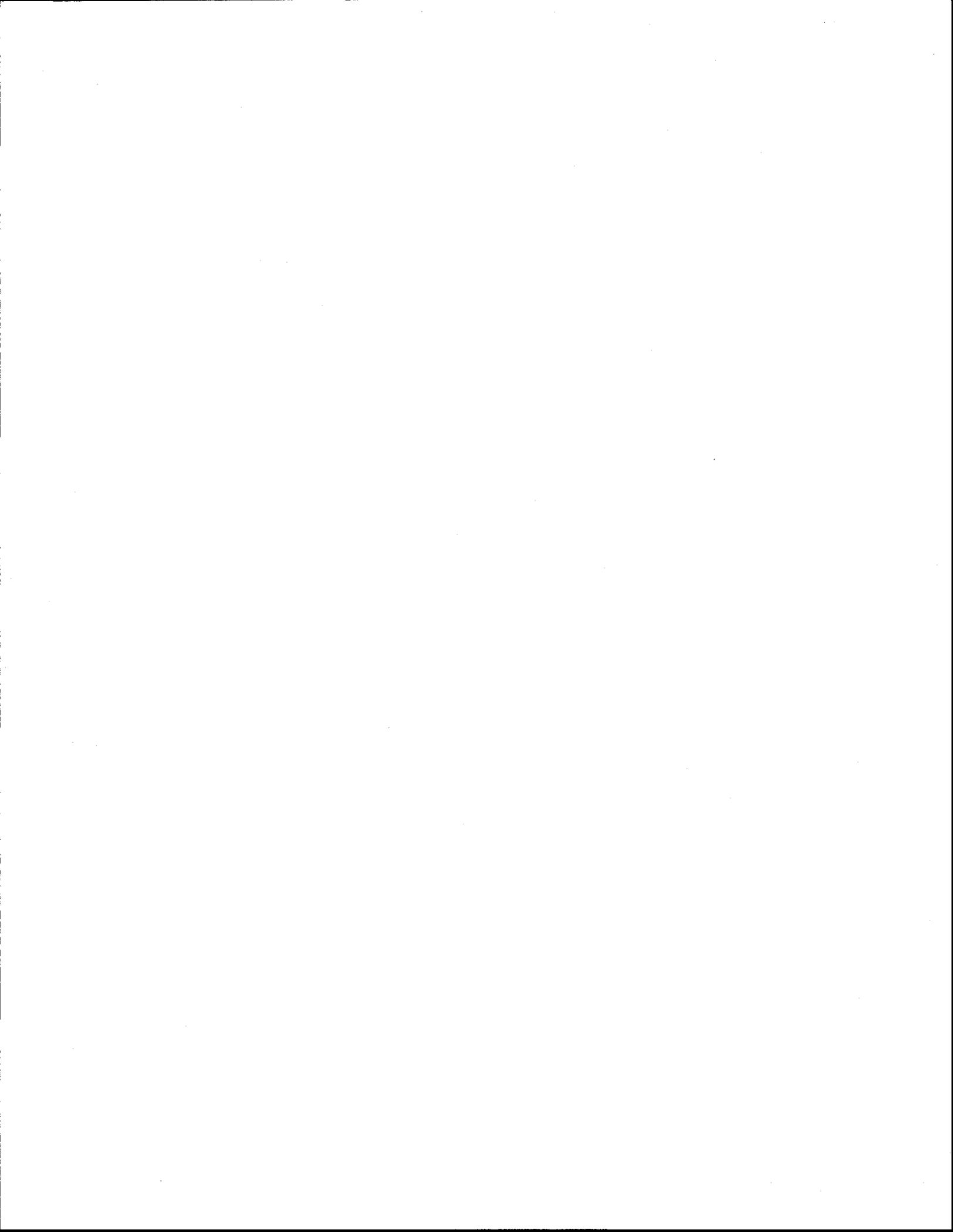
We request that if you are prepared to make an interim report (with findings and recommendations including legislation) for submission to the 1995 General Assembly, you submit it to the Legislative Research Commission Cochairmen not later than Friday, April 26, 1996. The final report should be made not later than Friday, January 3, 1997, in the same manner.

We appreciate the service that you and the Legislative Committee on New Licensing Boards provide to the people of North Carolina and extend to you our best wishes.

Sincerely,

  
Harold J. Brubaker, Cochair  
Speaker of the House

  
Marc Basnight, Cochair  
President Pro Tempore of the Senate



cc: The Honorable J. Russell Capps  
The Honorable John Weatherly  
The Honorable Stephen W. Wood  
The Honorable J. Shawn Lemmond  
Mr. Linwood Jones

